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ABSTRACT

This manual is designed to help school boards and administrators avoid strikes, survive them, and recover from them when they are over. Chapter 1 distinguishes between public and private sector strikes; defines different kinds of strike strategies, negotiation goals, and strike goals; and provides a strike evaluation checklist for the employee organization and for the district. Chapter 2 reviews basic decisions in a strike plan and the roles management must fill during the strike. Chapter 3 outlines various board policies and legal options available to the district. Chapter 4 describes strike phases and provides guidelines for working toward a settlement. Chapter 5 offers practical guidelines for maintaining district level staff operations during a strike. Chapter 6 provides a program for district communications during a strike. Chapter 7 offers a strike plan at the school site level. Chapter 8 suggests poststrike procedures designed to bring the district back to normal. Chapter 3 through 7 are followed by appendices containing checklists, questionnaires, agendas, news releases, and similar materials designed to facilitate the role of the administrator during a strike. An addendum provides a list of the Association of California School Administrators (ACSA) services in the event of a work stoppage. (IW)

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THE STRIKE MANUAL

Association of California School Administrators

and the

ACSA Employer/Employee Relations Committee

Editor-in-Chief

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The ACSA Employer/Employee Relations Committee is made up of administrators who are responsible for collective bargaining in the public schools of California. The committee is statewide, and has responsiblility for advising and informing administrators on the current trends, development, procedures and processes pertinent to the field of collective bargaining. It has been instrumental in the continuing presence of ACSA as management's advocate in this arena, and its members have served as advisors to this publication.

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The editors wish readers to be aware that this manual is not a substitute for legal or professional consultant advice. Districts should use this manual as an aid and review their plan with their attorneys and consultants.

DEDICATION

This publication is dedicated to Raymond C. Curry, Assistant Executive Director, Employer/Employee Relations, Association of Calfornia School Administrators, whose foresight and vision convinced the ACSA Board of Directors to establish an Employer/Employee Relations Division which has provided one of the many outstanding services offered to ACSA members.

Ray Curry's dedication to the education profession, and his vision of quality-prepared managers who are part of the management team of the school districts of California, will have a long-lasting positive effect on the education systems of the State of California.

The original Strike Manual published in 1973, the Strike Communications Manual published in 1978, the ACSA Personnel Institute, ACSA Personnel Academies and the Employer/Employee Relations Symposium are the products of his leadership and vision.

The editors of this Strike Manual and the members of the ACSA Employer/Employee Relations Committee are proud to have worked with Ray Curry and are indebted to him for his foresight and vision.

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CHAPTER I

INTRODUCTION

School districts do not want strikes. Unfortunately, however, strikes and threats of strikes have become one of the realities of public education. The effective school manager recognizes strikes as just one of many potential problems for the district. No district is immune. Strikes have occurred in large, small, urban, suburban and rural districts. Districts which have good employer-employee relations practices have strikes as well as districts with poor employer-employee relations.

Strikes are problems which have to be anticipated. Experienced districts have strike plans which are updated annually. The unions are prepared. The district must be prepared as well. In the words of the Service Employees International Strike Manual, "Remote or not, it cannot be overemphasized how much easier everyone's job will be when a strike does occur if information has been compiled, and the strike plan is ready for implementation."

Public v. Private Sector-Strikes

Often school districts, and particularly board members, become confused about the difference between public sector and private sector strikes. In general, the ultimate goal is the same -- put enough pressure on the employer to make conceding to the union preferable to taking the strike. However, the methods of applying pressure in a strike are entirely different in each sector.

In a private sector strike, the union attempts to put economic pressure on the employer, i.e., eliminate its profits. The union may do this in one of four ways: (a) reduce its sales, (b) eliminate its transportation, (c) cut off its raw materials or (d) increase its production costs. The union may use a variety of devices to do this: boycotts, sympathy strikes, implied threats, picketing or fines against union members. Any device, hopefully legal, which will put economic pressure on the employer will be used.

In a public sector strike there is little opportunity for the organization to hurt the employer economically. Unless a district fails to provide the minimum state-mandated days of instruction, its revenues continue. No strike in the State of California has forced a district to "shut down". The norm in California has been that a district loses less revenue due to decreased attendance than it saves in reduced salary. In fact, in some districts, under current revenue formulas even reduced attendance does not hurt revenue. A strike in most districts results in an economic windfall.

Since public employee organizations have no economic leverage on school districts, the entire focus in a strike is to attack the district politically. Organizations have become adept at using strikes as political tools. Many strikes are accompanied by attempts to discredit management by recall petitions, mass community rallies and tactical lawsuits designed to change the will of the board. In the private sector the employer can hold out as long as the money lasts; in the public sector, the employer can hold out as long as the majority on the board lasts.

One result of this difference is that strikes most often happen where there is an unstable relationship between the community and the board. Employee organizations which politically control the community or the board do not need to strike. Employee organizations have learned that they cannot win in a strike against a board united with the community. It is where the board and the community are split that employee organizations call strikes -- hoping by political action to pick up one, two or three more votes to achieve their goals.

Types of Strikes

When managers talk about a strike they usually mean a long-term refusal of employees to provide service, accompanied by picketing. In fact the term strike covers many more activities. For example, in one district a teacher called a "faculty meeting" during the conference period. The teachers association was prepared to support the teacher's action. However, the board's attorney pointed out to the association that refusing to be available for students and administrative conferences is a strike. After reading the "no strike" clause in the teachers' contract, the association immediately disavowed any support and told the teachers they were in violation of the contract. Any refusal by an employee to provide services to the district based on an attempt to change matters relating to the wages, hours or working conditions of two or more employees is a strike.

An effective strike contingency plan must be prepared to handle a wide variety of "strikes" ranging from the one individual/one event incident to the traditional long-term district-wide strike. Some other examples of recent strikes are:

(1) Sick-out--often called "blue flu" or "chalk dust flu", is a strike without picket lines. The employees try to disrupt the flow of educational services by mass calling-in sick.

(2) Work to Rule--is a job action that slows the delivery of goods and services because the employees very deliberately follow every rule, policy or procedure of the employer. This strike is common where the teachers provide "voluntary" services. In some districts back-to-school night, open house, substitute assignments etc. are voluntary and teachers simply refuse to participate.

(3) Rolling Strike--is quite effective in large school districts. In the rolling strike the union strikes different work sites on different days. The idea is to disrupt the flow of educational services by confusing the employer.

(4) Ping Pong Strike--is one in which the union may strike one day, wait three days and strike two days. The employees "ping" by going on strike, then "pong" by returning to work for a while and then

"ping" back on strike.

(5) No-Warning Strike--often referred to as "academy awards strike", is a situation where employees picket each morning before work. The picket captain at each site receives a sealed envelope announcing whether the employees strike or go to work. An interesting variation is when the instructions are to send the employees to work, but to tell them to walk off the job at a particular time.

(6) Sit-in Strike--is where the employees report to work, occupy their work stations and then refuse to work. The flow of goods and services stops and the employer must contend with employees on the job site.

Change in Goals

Probably the most difficult adjustment for districts has been the mental shift from negotiation goals to strike goals. In negotiations, the goal is to obtain the "win-win" agreement where both sides maximize their objectives. However, when an organization strikes the goals change. A strike is different. In a strike, the employee organization is willing to destroy to achieve its goals. Instead of trying to work with the district, the union is trying to force the district to accept its position.

A district faced with a strike has only two logical choices: capitulate before the strike or resolve to take the strike until the organization capitulates. Districts have learned in California that giving in after the first few days of a strike only builds the organization's power. Those districts that give in after a strike starts only reinforce the idea that strikes are an effective weapon to gain concessions.

Once the district is committed to the basic objective of not giving in once a strike starts, the rest of the strike plan begins to fall into place. In reality, a strike plan is no different than a disaster plan. The district is required to preplan for a large number of problems. A strike is only one of them.

In a broad conceptual context, the pre-strike plan must do four things:

(1) Reduce employee participation in the strike;
(2) Provide services as the district is able, based on preset priorities;
(3) Provide alternative sources of vital goods and services including replacements for strikers and
(4) Minimize the negative political impact of the strike on the district through effective public relations.

In comparison with their performance during the first strikes in California schools, boards and administrators have made giant strides in knowing, first, how to avoid strikes; second, how to survive strikes and, third, how to recover after the strike is over. The purpose of this manual is to help districts review and refine the plans they have already written.

Chapter II is a review of basic decisions in a strike plan and the roles management must fill during the strike. Chapter III is an outline of the various board policies and legal options which are available to the district. Chapter IV provides guidelines for negotiating during a strike. Chapter V is the strike plan at the district level. Chapter VI is the critical district communication program. Chapter VII is the strike plan at the school site level. Chapter VIII outlines post-strike procedures to bring the district back to normal.

Strike Evaluation Checklist

Key questions to be answered in order to assess the relative strengths and weaknesses of both the employee organization and the district to take a strike:

Employee Organization

______Does the union leadership really want a strike?

______Does the union membership really want a strike?

______What percentage of the unit are union members?

______Does the union have an agency shop clause?

______What internal union politics and specific potential power struggles exist?

______Does the union pay strike benefits? If yes, how much and when do payments begin?

______When was the last time the employees got paychecks?

______How long can strikers be expected to hold out in spite of installment payments, living expenses etc.?

______What promises has the union made to its membership?

______Does the union have a "war chest"? If yes, how big is it?

______Will the state or national organization support the strike financially?

______What percentage of employees will go out on strike?

______Will other unions honor the picket line? If yes, which ones and what are the consequences?

______Does the union have a public relations specialist? Will the state or national organization supply one?

______Do the local media support the union's position?

______Does the union have the ability to stop the delivery of educational services?

District

______Is the board united or is it split on the bargaining issues?

______Is the board willing to take a strike? If yes, will it remain firm throughout the strike?

______How much community pressure will be put on the board?

______Is a successful recall likely?

______Is the management team prepared to take a strike?

______Does the management team support the school board's position in negotiations?

______How long can the school district take a strike?

______Will a majority of the board last longer than the strikers?

______How many days after the strike starts will the district hold to its pre-strike offer?

______How many days will the district go before accepting the employee organization proposal?

______Is the district able to replace strikers so as to maintain educational services?

______Does the district have a formal ongoing public relations program?

______Do the local media support the district's position?

______Will students attend school during the strike? How many? ______

CHAPTER II

ASSIGNING RESPONSIBILITY

School districts have advanced rapidly in coping with strikes. In comparison with the management disorganization exhibited in the first school strikes, boards and administrators have learned to plan effectively. One of the lessons that districts have learned is it is necessary to pre-assign certain roles in the strike and to stick to those roles when the strike occurs.

Role of the Board

In the school strike, the role board members play is critical. In a few of the early strikes, board members became everything from hall monitors to chief negotiators. Unfortunately, experienced employee organization representatives knew how to use those situations to their own advantage.

In one early case, a board member who was a labor relations negotiator for a private company negotiated, by himself, with the union. Just as the strikers' morale was about to collapse, he made a deal with the union. When he took it back to the board, they rejected the proposal 4 to 1. The resultant turmoil and accusations of bad faith by the association heated the issues over again and the strike went on for several more days.

The board has to be the image-maker for the community. In any public meetings, the board should be concerned but not overly anxious. Any discussion of negotiations or legal action should be done in closed session. All statements by the board should be funneled through one spokesperson. Board members should stay out of day-to-day administrative problems.

Role of the Superintendent

The responsibility for pre-strike planning lies with the superintendent. No other person in management has the control of resources and people necessary to make the plan work. Both the board and sub-administrators will look to the superintendent for direction in the strike. If the superintendent fails to plan, sub-administrators will not be able to do much to lessen the strike's success. They cannot be expected to outplan experienced employee organization representatives.

In the day-to-day operation of the strike plan, the superintendent is the focal point for the board and the administration. It is his/her duty to watch over the operations of the district and to make sure that the plan is running smoothly. For this reason, the superintendent should not be the chief negotiator, the district spokesperson or the public relations specialist. The effective superintendent will not be highly visible but will be managing effectively by pulling the strings, working with the board and keeping the district going.

Role of the Principal

Not many years ago the largest single crisis in a school principal's year was the annual "big game" or school carnival. Today, with almost total uniformity, the largest problem facing principals is employer-employee relations. As a result of the negotiating process, more and more attention has focused on the principal's authority. In many cases, principals have been forced to choose between friendships with their staff and their role as managers. Clearly, when there is a strike threat principals are forced to make this choice. Along with public relations, building management is the most critical focus in the strike. Without effective principals, the district's strike plan will fail.

Some effective rules for principals in a strike are:

(1) represent the district
(2) do not personalize the issues
(3) be an effective communicator and
(4) do not succumb to "Moses" appeals.

Represent the District

It is tempting in a strike situation to try to maintain a relationship with strikers. This is particularly true for the principal, who will have to work with the strikers on a day-to-day basis when the strike is over. In some cases principals have joined strikers with picket signs urging the public to "not support the strikers but to support education". In other cases, they have provided coffee and donuts to strikers. Unfortunately, such activities are taken out of context by the union strike committee to help sustain the strike momentum. In addition, it causes resentment by the non-striking employees.

Principals are the only management representatives at the building site. Any action they take is a reflection of the district's attitude. In a strike there is no middle ground. Within a day or two there will be lines drawn between supporters and non-supporters. Principals have to be on the district side of that line.

Do Not Personalize the Issues

Because a strike is such an emotionally charged event, it is difficult to distinguish between organizational activities and personal feelings. Some principals look at a strike as a popularity vote. High school principals who have 60% to 70% of their teachers on strike may feel that they have received a no-confidence vote.

Similarly, a principal driving through a picket line (of course, he/she should have been at school before the pickets) will be shocked at the language and the violence. Elementary principals, for example, are always surprised at how vicious normally gentle kindergarten teachers can be on a picket line. Often picket signs or songs sung by strikers are directed at individuals in the district.

Management has to realize that such activities are just part of a group process and may not reflect personal attitudes. If the principal personalizes the issues he/she may very well react on a personal basis. In one district a principal harassed on a picket line offered to meet a teacher "behind the school". The teacher declined the offer, but two years later used it in a dismissal hearing to indicate that the principal was biased against him.

Whatever personal feelings the principal has during the strike, he/she has to put them aside and not act on them. The best plan is to maintain a friendly but professional attitude with strikers and union leaders. In no case should the principal argue with strikers. If approached in a reasonable way, he should listen, then let the strikers know he supports the board's position without apology, excuse or rationalization. If approached in an unreasonable or threatening manner, he should withdraw without comment.

Be an Effective Communicator

Even though there is a district communication program (see Chapter VI), the principal is still an important part of the program. Much of the principal's day during the strike will be taken up in communication efforts. Parents will call asking about school programs. Students will come in to talk about grades when the strike ends. Non-strikers will come in to talk about harassment by strikers. Reporters will drop by to get first-hand quotes. Even strikers will call when they feel compelled to talk about why they felt forced to strike. It is up to the principal to use these lines of communication effectively.

Do Not Succumb to "Moses" Appeals

One of the surprises for principals is the number of strikers who will call to indicate they would abandon the strike "if only ____________ would happen". These appeals are very tempting. In one district, the principals had been asked to serve the court restraining orders on the teachers. In a Thursday night phone call, the principal was told that if he did not serve the papers on Friday at least nine teachers would return on Monday. Monday night, after none of the strikers returned, he had to explain to the board why he had not served the injunction papers.

After the first few days of the strike, most strikers if given the choice would rather be teaching or working. Their problem is the intense peer pressure not to abandon the strike. Often they will call the principal with face-saving schemes that will allow them to come back to work, such as a letter of support from him or her appearance at a union rally.

Employee organizations are experienced at dealing with such feelings. For every face-saving solution there is a counter-tactic to hold the line. It is not an accident that strike committees always hold rallies on Sunday night, or that bargaining meetings are scheduled to last late into the evening. Strikers who are wavering are always asked to hold on for "just a few more days".

"Moses" appeals to help strikers come back to work should be ignored. Employee organizations are sophisticated enough to abandon a strike when the membership is wavering. This does not mean that the principal should ignore the plight of those employees who would like to come back. Strikers should be encouraged to do what they think is right, and be assured that they would be welcome, but the principal should not believe that strikers will come back because of some action on his/her part.

Small Districts

In small districts, it may be necessary for the board, the superintendent and the principal to play different roles than in medium and large-sized districts. In small districts, the staff resources are so limited that the burden can't be distributed. In such a case, there are no good choices. If the board as a whole becomes involved, it makes them vulnerable to political attack. If only one or two board members are delegated to deal with the strike, there is a serious risk of splitting the board. If the superintendent, superintendent/principal or principal becomes the focal point of the strike, he/she runs the risk of becoming a scapegoat for the strike. In many early strikes, it was axiomatic that after the strike was settled the board would remove the superintendent.

A small district faced with a strike should request outside help. ACSA provides trained consultants who can help the district plan its campaign. Some county superintendents have services available for districts. In some cases, districts should consider attorneys or consultants to handle the strike planning and implementation.

Strike Management Committee

The district's strike management committee is the focal point of all major decisions during a work stoppage. The size and composition of the committee will vary depending upon the size and administrative structure of the district. Regardless of its make-up, the committee should be responsible for certain key functions during the strike. In this way, the leading management decision-makers will be in continuous contact, so that all aspects of the strike are considered when decisions are made.

The strike management committee should include the following personnel:

(1) Chief Administrative Officer
(2) Negotiator
(3) Legal counsel
(4) Communications and public relations
(5) Staffing
(6) Instructional operations
(7) Support operations

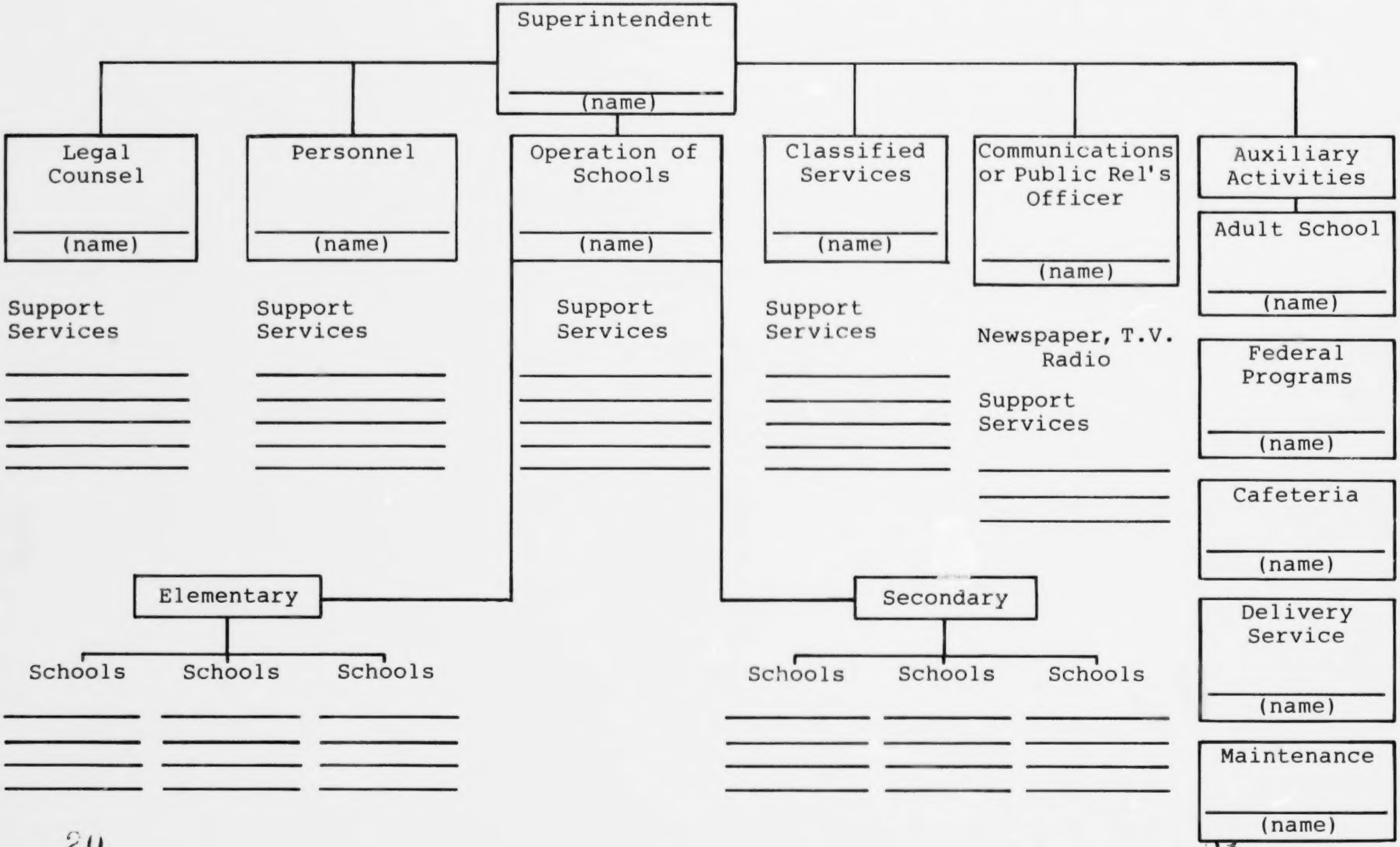
In all except the very largest districts the strike management committee should be headed by the superintendent.

A room should be designated as the strike management committee meeting room. The room should be large enough to accommodate all members of the committee for long periods of time. Equipment and supplies should include chalkboard, two telephones (one listed and one unlisted), paper, pencils, radios, television, copy machine etc. Clerical staff and other support personnel should be readily available. The strike management committee must have the resources at its disposal to respond to the emergency with quick decisions.

Usually, the strike management committee will hold a meeting early in the morning of each day of the strike. The committee will meet off and on throughout the day as needed to deal with problems. At the end of the day, the committee should meet again to review the day's events and make plans for the next day. It is not uncommon for members of the strike management committee to work twelve to eighteen hours a day throughout the duration of the strike.

In a small district, the strike committee will be the superintendent and two of the board members. While board members should normally not be involved in the daily administration of the strike, in a small district there may be no other options.

STRIKE ACTION RESPONSIBILITY CHART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Legal Counsel
(name)
Personnel
(name)
Operation of Schools
(name)
Classified Services
(name)
Communications or Public Rel's Officer
(name)
Auxiliary Activities
Adult School
(name)
Support Services
Support Services
Support Services
Support Services
Newspaper, T.V. Radio
Support Services
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Cafeteria
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Elementary
Secondary
Schools
Schools
Schools
Schools
Schools
Schools
Delivery Service
(name)
Maintenance
(name)

CHAPTER III

BASIC STRIKE POLICIES

Once a district has created its strike committee and built a strike plan, most activities can wait until the strike threat becomes real. A few actions, however, can't wait. Some things have to be planned for as much as two to three years in advance. A good example is contractual language.

Employee organizations will use the language of a contract to create crisis situations. In some cases associations have negotiated language which is vague about non-classroom duties; they have then told their members to perform only classroom duties and not to attend after-school meetings, conferences or extracurricular activities. Obviously, planning to change that language has to occur three to four years before a strike threat.

Legality of Strikes

Prior to the case of San Diego Teachers Assn. v. The Sup. Ct. of San Diego Co., 24 Cal.3d 1, (1979), it was clear that in California public school employees did not have the right to strike for any reason. In San Diego the district had obtained a restraining order against a teachers association strike. When the association violated the order, the court found the association in contempt and imposed a fine. The California Supreme Court overturned the order and ruled that PERB had exclusive jurisdiction to determine whether a strike was an unfair practice and what, if any, remedies to pursue.

PERB has followed this decision with cases in Modesto, Fremont, Fresno and Rio Hondo* which appear to partially spell out, as far as PERB is concerned, the legality of strikes in California. In summary, those cases find (a) that strikes provoked by an employer's unfair practices are protected by the Educational Employment Relations Act, (b) that it is an unfair practice for employees to strike (except to protect unfair practices) prior to the completion of the impasse procedures and (c) that withdrawal of voluntary services is protected activity. PERB has not yet dealt with the question of a strike to improve economic conditions after the completion of the statutory impasse procedures.

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* Modesto City Schools, Charging Party, v. Modesto Teachers Association, CTA/NEA, Respondent. Case Nos. S-CE-318, 319, 320, 323, 324, 325, 326, 328, 329; PERB Decision No. 291 (3/8/83). Fremont Unified School District, Charging Party, v. Fremont Unified District Teachers Association, CTA/NEA. Case Nos. SF-CO-19, SF-CO-20, SF-CO-92, 136a (3/25/82). Fresno Unified School District, Charging Party, v. Fresno Teachers Association, Respondent. Case Nos. S-CO-33, S-CE-25; PERB Order No. 208 (4/30/82). Rio Hondo Faculty Association, CTA/NEA, Charging Party, v. Rio Hondo Community College District, Respondent. Case Nos. LA-CE-1158, LA-CO-141; PERB Order No. 292 (3/8/83).

Emergency Procedures Resolution

One of the most important policies to combat a strike is an emergency procedures resolution. (See Appendix III - E.) Such a resolution does three things: (1) it signals potential strikers that the board will take the strike seriously; (2) it plugs any loopholes the district may have left in its current practices and (3) it sets the pay rate for strike replacements.

Before adopting such a resolution, the district should seek specific legal advice from its attorney. A number of PERB cases have challenged the adoption of such policies on the grounds they are unlawful unilateral adoptions of a negotiable matter.

Some districts are fortunate that they adopted such a policy years ago and have kept it on the books continuously. Since the policy has been in effect its use is not a change in status quo and therefore is not an unfair practice. In the event a district does not have such a policy, the district should look at the following options: (1) attempt to negotiate the policy now for later use, (2) adopt the policy at the last minute as a business necessity or (3) negotiate a blanket right to change contractual provisions in the event of an emergency. Whatever the choice, the district will need such a policy and will need legal advice to implement it.

No-Strike Clause

Usually strikes occur after the termination of the contract, so that a no-strike clause is not in effect. However, a well-written no-strike clause is effective during the contract to prevent strikes over grievances or during contract reopeners on other clauses.

Some districts have effectively extended their no-strike clause by putting "evergreen" clauses into the contract. An "evergreen" clause provides:

> "This contract may be reopened for any school year after June 30, ______, by either party giving notice on or before March 15 of the preceding school year. The contract will remain in effect until impasse has been declared and the statutory impasse procedures have been exhausted."

One district successfully used this clause where the association attempted to call a strike at the start of school. Since the statutory impasse procedures had not been exhausted, the district threatened to sue the association for breach of contract. The association backed off from the strike.

An effective no-strike clause should contain the following protections:

(1) Prohibit any kind of withdrawal of service
(2) Require the association to disavow the strike by affirmative action
(3) Provide potential penalties against the association

(4) Provide potential penalties against strikers

A no-strike clause must be reviewed with the district's legal counsel. Following is one suggested clause:

ARTICLE ____ -- CONCERTED ACTIVITIES

1. It is agreed and understood that there will be no strike, work stoppage, slow-down or similar interference with the operations of the District by the Association or by its officers, agents or unit members during the term of this Agreement, including compliance with the request of other labor organizations to engage in such activity.

2. The Association recognizes the duty and obligation of its representatives to comply with the provisions of this Agreement and to make every effort toward inducing all unit members to do so. In the event of a strike, work stoppage, slow-down or other interference with the operations of the District by unit members who are represented by the Association, the Association agrees in good faith to immediately notify each unit member engaging in the action in writing of his/her obligation to cease such activity.

3. If the Association, its members or agents violate this Agreement it is agreed that the district may withdraw any non-statutorily required privileges provided to the Association. [In addition, it is agreed that the agency shop and maintenance of membership provisions of this agreement will be void.]

4. If unit members violate this agreement, it is agreed that they may be subject to disciplinary action, including involuntary transfer, suspension from employment without pay and termination.

Personnel Rules

In a number of cases, employee organizations have used loopholes in district policies, contract clauses or practices to finance their strikes. In a recent case, a classified employee organization engaged in a "sick-out". The association instructed its members to file requests for sick-leave pay. When the district demanded doctors' notes, the association pointed to the contract which only required doctors' notes after five days continuous absence.

Employee organizations are masters at finding loopholes. Long before a strike occurs, districts have to review their board policies, administrative procedures, practices and collective bargaining agreement to close any loopholes. The district should carefully review paid leave policies and practices, working hours and work assignment provisions, extra-duty assignments and extra-duty contracts.

Actions Against Strikers

Districts faced with strikes are often inclined to make threats that they will discipline or even fire the strikers. So far in California, no district has gone through with its threat. However, some districts have successfully placed warning letters in the files of strikers and almost every district has docked employee salaries during a strike.

Districts have the right to discipline strikers, except those involved in a strike to protest valid unfair practices by the district. Before taking such action, the district should weigh the consequences of its actions. A threat at the beginning of a strike may actually encourage the strikers and build community support for them. Districts which have been through strikes before have learned to follow three maxims.

1. Don't Take Unpopular Actions until Necessary.

If the board, for example, wants to discipline strikers, there is no reason to do it at the beginning of a strike. A simple objectively worded note informing them of their violation of rules and the district's right to take action is sufficient at the beginning of the strike. After the district is in control of the strike and has the sympathy of the community is the time to impose a disciplinary penalty.

2. Take Action against the Organization First.

The real cause of the strike is the employee organization. If the district wants to put pressure on the strike the place to start is with the employee organization.

3. Take Action if Possible against Special Cases.

It is difficult and unpopular to take action against all strikers. However, the community will understand and support specific action against employees who have threatened non-strikers, damaged property or taken property from the school. Selective discipline may accomplish the result the board wants with less legal expense and work.

A district involved in a strike has a number of options available in terms of disciplining strikers:

1. Dismissal
2. Suspension from employment
3. Revocation or suspension of credential
4. Letter of warning
5. Involuntary transfer
6. Loss of salary and benefits

1. Dismissal: In order to dismiss a certificated or classified employee for participating in a strike or engaging in strike-related activity, the district must carefully follow statutory procedures. In addition, the specific activity for which the employee is being dismissed must be unprotected activity under the EERA.

In the case of certificated employees, two of the causes set forth in 44932 could be used as grounds for termination: "evident unfitness for service" or "persistent violation of a refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board of education or by the governing board of the school district employing him."

As a practical matter, dismissal procedures are long and costly affairs. If the district seeks to replace striking personnel by hiring new staff there is always the possibility that the litigants will be unsuccessful and the district will be forced to rehire all the strikers. In most districts, this would create a multimillion-dollar budget crisis. It is the rare case in which districts will use termination as a remedy for a strike.

2. Suspension from Employment: One of the alternatives available to districts is suspension. In the case of classified employees a board may suspend for valid disciplinary reasons. (Sec. 45304 E.C.) In the case of certificated employees the district may negotiate into the contract the right to suspend employees. (Sec. 3543.2(b) G.C.) Few districts have successfully negotiated such a specific provision. However, a recent PERB case holds that a standard management rights clause which reserves the right to suspend to the district is sufficient under the EERA to give the district that right. One possibility is adding suspension to the penalties for a breach of contract strike.

3. Revocation or Suspension of Credentials:

A. County Board of Education Revocation or Suspension of Teacher Certificates. The county certificate of a teacher ("the document issued by a county board of education to license the holder to perform the service specified in the certificate": Sec. 44004 E.C.) may be revoked or suspended by the county board of education for certain specified causes after notice and hearing. (See Sec. 13209-13215.)

B. Suspension or Revocation of Teaching Credential by the California Commission on Teacher Credentialing. An alternative manner of proceeding against a teacher who refuses, without good cause, "to fulfill a valid contract of employment with such district or . . . (who leaves) the service of such district, except in the manner provided for by law" is to proceed before the California Commission on Teacher Credentialing. (Educ. Code Sec. 44420.) After "proof of such fact is made to it", the commission may suspend the credential or life diploma for not more than one year. A second suspension under the section may be for not more than two years.

A teaching credential may be revoked or suspended pursuant to Section 44421, which reads:

> "The California Commission on Teacher Credentialing shall privately admonish, revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the Public School System, or for any cause which would have warranted the denial of an application for a credential or the renewal thereof, or for evident unfitness for service."

There has been only one case in the state testing this issue. In that case, after a strike the district levied charges against eleven strikers. The board referred the charges to the commission, which refused to handle the case. The district filed suit to require the commission to act. Thereafter, the commission acted and placed official letters of censure in each of the eleven strikers' credential files.

4. Written Warnings in Personnel Files: A district has the right to place in an employee's personnel file a warning notice involving the employee's participation in an illegal work stoppage. A number of districts have given such warnings for engaging in such activity. PERB has found such notices legal so long as the employee activity was unprotected by law and the notices were used to maintain employee discipline.

5. Involuntary Transfer: Absent other provisions in the collective agreement or past practice, a district has the right to make reasonable reassignments and transfers when the superintendent concludes such transfers are in the best interest of the district. (Sec. 35035 E.C.) The aftermath of a strike situation may be a good opportunity to break up entrenched groups of senior teachers who would benefit by assignment to new situations.

6. Loss of Salary and Benefits: Even though most boards have been cautious about disciplining strikers, it is almost unanimous that strikers should not be paid during the strike. However, in many types of strikes, it is difficult to prove that employees were not working. Prior to the strike, therefore, the district needs to work out a documentation system (See Appendix VII-D).

In one district, the teachers tried an intermittent strike where they reported for some classes and not for others. The district had planned beforehand and had site administrators with assignment sheets checking the classrooms. When the district started docking pay for missing classes, the strike stopped.

One question which comes up in partial strikes is how much to dock. The answer is to give the benefit of the doubt to the district. If employees miss a two-and-one-half-hour back-to-school night, they should be docked 2.5 divided by the number of duty hours in that day.

Most districts involved in traditional strikes also refuse to pay employee fringe benefits. Since many districts are contributing large sums to fringe benefits this can be a substantial amount. A problem which arises is whether employees' benefits will lapse or whether employees will be allowed to carry the coverage at their own cost. A number of districts have solved this problem by addressing a letter to all employees indicating that if they intend to strike, they should have their insurance carried at their own expense. (See Appendix III - F.)

Extra-Duty Assignments

Many regular employees also work extra-duty pay assignments and may still try to perform extra-duty assignments even though they are striking. Coaches during the sport season often will attempt to strike but still coach their games. The district has to make a decision beforehand whether it will allow strikers to perform extra-duty assignments.

Credit for Service

The district also has to consider whether the time during the strike will count for service credit. In most short strikes the time doesn't make a difference, but in some cases the crediting of such time can have severe effects. The district needs to plan its response to credit for:

1. Probationary service
2. Salary schedule advancement
3. Tenure status
4. Vacation earnings
5. Retirement credit
6. Transfer
7. Sick leave accrual

Action against the Organization

Legal matters in a strike situation are an integral part of all of the other tactical considerations in avoiding or effectively responding to a strike. Employee organizations have learned to use legal actions and threats of legal actions as political cards to be played at the appropriate time. Districts have to operate within the framework of the law; however, legal actions should be looked at as part of the tactical weapons available to the board.

The legal actions available to the district are:

1. Injunctions through the PERB
2. Unfair practice charges
3. Legal actions for breach of contract

If any action is going to be taken against the association, the district will have to involve its legal counsel and/or consultants as part of the plan.

Injunction through PERB

Since the case of San Diego Teachers Assn. v. San Diego Co. Sup. Ct., districts seeking injunctions for actions which are arguably unfair practices have to proceed through PERB.

For most practical purposes this means that any district wishing to obtain an injunction against strike-related activity will have to proceed through PERB.

PERB regulations require that the district file a request for an injunction along with declarations from witnesses which support the request. The general counsel then investigates the request and reports to PERB within 24 hours after the request is received. PERB then decides whether to seek the injuntion. (PERB Rule 32450, et seq.)

It is difficult to recommend the seeking of an injunction under the current law. Few, if any, employee organizations obey injunctions against strikes. Thus, asking for an injunction, while not stopping the strike, inserts two more entities into the strike situation -- PERB and the superior court. Injunction requests have usually been wasted effort in a strike situation and have often resulted in loss of credibility for management when employees openly defy the injunction without reprisal.

Unfair Practice Charges

It is typical of employee organizations to file unfair practice charges during a strike. Charges distract their members' attentions from the destructiveness of their own actions and, if proven, give them another legal weapon against the district. Some districts are also beginning to file unfair practice charges against associations. In one teacher strike, the district filed charges of bad faith because the association struck before completing the statutory impasse procedures. PERB held that such an action was an unfair practice and ruled against the association.

PERB has been reluctant to order effective remedies against employee organizations; however, districts can and should ask for remedies such as legal expenses, cost of substitutes and punitive damages. At the very least the district should argue that the association should admit its illegal action in personal notices to each striker and advertisements in the newspaper. In most cases, however, districts will have to content themselves with cease and desist orders and notices posted in the schools.

Legal Action for Breach of Contract

If an employee organization encourages its members to withdraw services during the term of a contract it may be liable for damages for breach of contract. Most agreements have no-strike clauses which make the association liable. Some of those clauses have specified damages if the association goes on strike.

Even without a no-strike clause the district may be able to bring a breach of contract action based on an implied no-strike clause as the tradeoff for binding arbitration. Obviously, any such action will require legal advice from the district's counsel. However, a suit asking the local, state and national organizations to pay significant damages may help to bring the strike to a quicker close.

APPENDICES
TO
CHAPTER III

III-A

LEGAL CHECKLIST

Name of Legal Counsel Assigned to Strike Problem

____

Phone No. ______________________

Home No. _______________________

A. Service of Process

__________ Total number of certificated employees in the district

__________ Total number of certificated employees in the employee organization

__________ Names of all employees

    __________ broken down by school

    __________ broken down by classification

    __________ broken down by status

    __________ broken down by leadership of employee organization

B. Duty Assignment

__________ Secure authorization from governing board instructing the county counsel or the school attorney to take all necessary legal action to prevent or terminate an employee strike.

__________ Clear definition of all required duties in policy or regulations

__________ Clear understanding of customary duties

__________ Provable communication of required duty to employee

__________ Proof of failure to perform required duty

C. Evidence

__________ Provide supervisors with cameras to show employee presence on picket line or absence from duty station.

__________ Provide supervisors with standard report forms on absence from assignment.

__________ (Mini-strike) Provide supervisors with duty request forms to give to employee.

__________ Make file of all statements by employee organization leaders mentioning withdrawal of services, with time, dates and witnesses.

__________ Make file of all statements by employee organization relating to the number or percentage of employees who threaten to strike, with time, dates and witnesses.

__________ If a temporary restraining order is granted, notify as many of the striking employees as possible, especially the employee organization's leaders, that the strike has been enjoined and that they are required to return to work. Make a file of all such employees contacted, setting forth who was contacted, by whom contact was made and at what time the contact was made.

__________ Make file of all activities that are disruptive in nature and that are impediments to the normal functioning of school.

III-B

PERSONNEL POLICIES AND PROCEDURES CHECKLIST

__________ Prepare emergency procedures resolution. (Have it adopted, if possible.)

__________ Review contract

    __________ Emergency action clause

    __________ No-strike clause

    __________ Evergreen clause (option)

__________ Establish a system to record and verify individual employee attendance at work. Information should be reported on a daily basis to a central location such as personnel or payroll.

__________ Notify all group insurance carriers of pending strike. Determine if insurance benefits will be discontinued during the strike or it alternative arrangements can be made.

__________ Cancel all discretionary leaves such as vacation, conference, personal necessity etc.

__________ Review all personnel rules and contract provisions in light of strike activity.

__________ Set up procedures to verify absences for illness, injury, jury duty, bereavement etc.

__________ Decide whether or not extra-curricular activities such as sports will be continued. If they are continued, decide whether or not strikers will be allowed to report for their assignments.

__________ Decide whether or not programs such as driver and adult education will be continued. If they are continued, decide whether or not strikers will be allowed to report for their assignments.

__________ Establish a policy for calculating seniority credit for each condition of employment tied to seniority such as the following:

1. probationary service credit
2. salary schedule advancement
3. tenure status
4. vacation earnings
5. retirement credit
6. transfer

7. layoff
8. sick leave earnings

__________ Review with legal counsel collective bargaining agreements covering bargaining units not on strike to determine the degree of management flexibility to deal with the emergency. Check for an "emergency clause" that may allow the temporary suspension of the collective bargaining agreement(s).

__________ Establish policies governing attendance, leaves and leave verifications for bargaining unit(s) not on strike.

III-C

ADMINISTRATOR'S OBSERVATION FORM

Name: ______________________ Office Phone: ____________________

Title: ______________________

Date of Occurrence: ______ Time: _____

Location of Occurrence: ______________________________________

Where were you? ____

What did you personally observe? (Name of people involved if available.) ____

____

____

____

____

____

What were you told? (Name of person telling, time told.)

____

____

____

____

____

Use extra pages if necessary.

Names, addresses and phone numbers of other persons witnessing event:

____

____

____

____

III-D

WITNESS STATEMENT

Your Name:________________________ Phone: Home: ______________________

Office: ____________________

Business Address: ____

____

Occupation: _____________________ Employed by: ______________________

Date of Occurence: _______ Time: ______ ____a.m.

____p.m.

Location: ____

Where were you? ____

____

Names of other persons observing incident: __________________________

____

Explain in detail what you saw and heard (give names of persons involved): ____

____

____

____

____

____

____

____

I declare under penalty of perjury that the foregoing is true and correct.

Date: __________________ Signature: _________________________

III-E

EMERGENCY PROCEDURES RESOLUTION

WHEREAS, the Board of Education finds that a substantial number of employees are engaged in, or are about to engage in a strike, work slowdown, sick-out, work stoppage or other withdrawal of services which would interfere with, impede or have the effect of interfering with or impeding the normal operation of the school district which would result in great and irreparable damage to the schools and the pupils of the school district;

NOW, THEREFORE BE IT RESOLVED that the Board of Education hereby determines that a legitimate emergency exists as defined by (Article ____ of the current collective bargaining agreement), as well as California law, Board of Education policy and Administrative Rules and Regulations;

BE IT FURTHER RESOLVED that, effective immediately, all paid leave applications on behalf of certificated employees must be accompanied by a doctor's certificate of illness, affidavit or other documentation on forms approved by the district superintendent;

BE IT FURTHER RESOLVED that all paid leaves of absence for other than proven emergency reasons are cancelled and that no such leaves will be granted for the duration of this emergency;

BE IT FURTHER RESOLVED that all unauthorized absences shall result in the deduction of salary and paid benefits for each day of absence as specified in the Education Code;

BE IT FUTHER RESOLVED that the Superindendent or his/her designee(s) is authorized to employ substitute certificated and classified employees at a daily rate not to exceed the pro rata daily rate of the top step of the appropriate salary schedule for that classification;

BE IT FURTHER RESOLVED that the Superintendent and his/her designee(s) are directed that all student grades given during the emergency will stand as recorded and will not be made up or modified at the end of the emergency;

BE IT FURTHER RESOLVED that the Superintendent or his/her designee(s) shall undertake appropriate action to implement this resolution, including, but not limited to, action necessary to insure and protect the physical and educational well-being of all students and the safety and property of the school district, including its agents, employees, respresentatives and all persons acting for or on behalf of the school district. Any such action shall prevail to the extent it amends, modifies or rescinds provisions of (the current collective bargaining agreement as permitted by Article ___ of said agreement), Board of Eduction Policy and Administrative Rules and Regulations;

BE IT FURTHER RESOLVED that the Superintendent or his/her designated representative shall be the sole district employee authorized to close any of the district's educational facilities. Such facilities shall be closed when, in the opinion of the Superintendent or his/her designated representative, the physical welfare of the students or staff on that school site is in jeopardy because of the inadequate staffing or disruptive activities which take place on or within the vicinity of the site;

BE IT FURTHER RESOLVED that the Superintendent or his/her designated representative may authorize any appropriate legal action or defense in regard to matters relating to the emergency;

BE IT FURTHER RESOLVED that the firm of ________________________ is authorized to represent the district in legal matters relating to actions arising out of this emergency;

BE IT FURTHER RESOLVED thet this resolution is an emergency measure within the mandate and jurisdiction of the Board of Educaton and is necessary for the immediate welfare of the schools and pupils therof. Therefore, this resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

ADOPTED this _________ day of __________________, 198____, by the following vote:

AYES: _________________________

NOES: _________________________

ABSENT: _________________________

III-F

REQUEST FOR CONTINUATION OF INSURANCE BENEFITS

I, the undersigned, am currently participating in a collective withholding of my personal services as an employee of the Serindipity City Unified School District.

I hereby authorize the Serindipity City Unified School District to continue my insurance benefits during my participation in such activities.

I understand that I am personally financially obligated for the cost of such benefits during any such absence from my duties.

I specifically authorize the Serindipity City Unified School District to deduct from my present and future salary warrants (if I am reemployed by the District) at the amount necessary to pay the full cost of premiums which accrue(d) during such absence.

NOTE:

Failure to execute this authorization will result in lapse of coverage and may result in future loss of coverage entirely.

Name	Social Security No.
Classification	Work Location
Signature	Date

RECEIVED BY:

Signature of Supervisor	Date

Disclaimer: By providing this form the District does not condone the unlawful activities of its employees; rather the District is trying to assure continuity of insurance benefits during the period of the emergency.

CHAPTER IV

NEGOTIATIONS DURING A STRIKE

As pointed out in Chapter I, post-strike negotiations are different from pre-strike negotiations. One of these differences is the negotiations goal. Where the goal in pre-strike negotiations is the best compromise available, clearly the employee organization's goals change in strike situations to achieving a victory over the board.

School districts that have successfully weathered strikes have been forced to change their goals also. Trying to achieve a compromise in a strike is like negotiating with hijackers; i.e., you may get the plane back this time, but you will have to pay more the next time. School districts involved in strikes have to make a commitment that they will not give more because of the strike than they would have given before the strike started.

The timing of negotiations during a strike is critical. Both the expectations of the parties and the willingness to work out agreements will change during a strike. During one Northern California strike, two board members were willing to settle at practically any cost during the first week of the strike. However, when their children were harrassed by strikers they became the most militant of the board members. In another district, the one percent offered by the board the night before the strike was a joke among the teachers. Three weeks later they settled for half of the same one percent.

STRIKE PHASES -- FIRST PHASE

There are three distinct phases of a normal school district strike. In the first phase, the district is under tremendous pressure to keep the schools open, to respond to media and community pressure and to justify the board's last offer. On the association's side, it is a time of tremendous excitement. For the strikers it is an opportunity to vent frustrations and to do something different. There is an exhilarating feeling to walking, singing and protesting with fellow employees.

This is a dangerous time for school district negotiations. Strike settlements in the first two weeks usually favor the employee organization. However, a number of factors come into the negotiations which weren't part of the process before:

- There are always legal actions.
- There is heavy media coverage.
- There is pressure for a "quick fix".
- There is pressure for marathon negotiations.
- There are "experts" volunteering to solve the strike.

Legal Action

In every strike there are legal actions. Typically, one or both parties file unfair practice charges and/or request an injunction. In addition, the district may file a damage action. These legal actions affect the negotiation process. For example, an association trying to justify its reasons that an injunction should not be issued may try to lure a district into an unfair practice at the negotiation table. In some cases, judges have ordered bargaining before they would rule on an injunction request. In a couple of cases, judges have injected themselves into the negotiating process and tried to impose settlements on the parties.

Legal actions are just an extension of the bargaining process. The district's negotiator has to integrate the legal action of the district into his/her negotiating strategy.

Media Coverage

Public employee strikes are big media events. Particularly in the first few days there is tremendous pressure on the district to win media sympathy by showing the district is doing everything reasonable to reach an agreement. (Unfortunately, this is at the same time that a settlement would favor the association.) Reporters ask for media access to the negotiations, for daily reports on the progress of negotiations and for explanations of the proposals and the counter-proposals. They also ask questions about the district's willngness to compromise on key issues.

One effect on the process is that proposals and counter-proposals are made with an eye to newspaper and television deadlines. Negotiators unused to this are often amazed at the flurry of activity around four o'clock in the afternoon followed by long caucuses during the six o'clock news.

The district's negotiator must avoid the seduction of the publicity process. The best negotiators don't appear on the six o'clock news. They leave public relations to the district's communication director.

At the same time the district has to be careful not to make mistakes which can be blown up by the media. For example, one district negotiator had consistently used off-color jokes at the table for three years. He got away with it until the first day of the strike. His joke that day went on the front page of the local newspaper. The district won the strike but at the end of negotiations he was terminated.

For the first two or three weeks of a strike the district has to analyze every action for its "reportability". Last offers, refusals to meet, withdrawals of offers, legal suits etc. all have to be reviewed in light of their public relations impact.

"Quick Fix"

We live in a quick-fix society in which modern family problems are all supposedly solved nightly in 23 minutes. Many people, including board members, community leaders and parents, have a low tolerance for long-term crisis. In strikes, people are especially inclined to grasp at straws which provide a superficial quick-fix solutions to problems which could genuinely have been solved with more time.

One good example occured in a strike in which the teachers wanted a long list of demands the district couldn't afford. After three days of a strike the association went around the district negotiator and told the board president that they would settle for a modest salary increase and agency shop. The board bought the offer. For the last five years they have had withdrawals of service, impasses and have subsequently given away all the items that had started the first strike. Once a strike starts there are no quick fixes.

Marathon Negotiations

In a strike there is tremendous public pressure for continuous or marathon negotiations. Because settlements reached after marathon bargaining are highly publicized, the public assumes that such tactics produce results. They also satisfy public and media needs to have something happening. The reality, of course, is that productive bargaining occurs in short, reasonably spaced bargaining sessions.

There is nothing particularly wrong with marathon negotiations, no more than with marathon running. However, sprinters should stay out of marathons; similarly, individuals who are not coherent at 4 o'clock in the morning shouldn't be sitting at a bargaining table. Good marathon negotiators take lots of caucuses, rotate their bargaining teams and take showers and naps. The best marathon negotiators take quick naps and wake up refreshed. One good suggestion for negotiators in marathons is to put all proposals in writing and have proposals and counter-proposals reviewed by a back-up team that is fresh.

Many districts that have been burned in marathon bargaining have an absolute rule that they will not engage in such sessions. If they can avoid the effects of adverse publicity, not engaging in such negotiations is to their advantage. On the other hand, a few management negotiators prefer such sessions because they are experienced and successful in marathon bargaining.

Volunteer Experts

When a strike starts, in addition to the normal management and employee organization negotiating teams there will undoubtedly be a state mediator, PERB representatives and a local judge involved in the process. Most negotiators expect this involvement and are prepared to deal with it. However, management may not be prepared to deal with official and unofficial "experts".

Strikes attract everyone: representatives of the governor's office, the state superintendent of public instruction's office, the county superintendent's office, the mayor's office, church officials, local politicians and would-be politicians, representatives of the AFL-CIO and local union groups and consultants of every decription, all of whom want to take up the district's time to hear their solution.

District administrators do not have time in a strike to listen to any of this advice, most of which is worthless. The district should have someone designated as a "director of governmental relations" who insulates the board, the administrative staff and the negotiator from officials and citizens who do not understand the process and/or the issues. This person should be skillful at dealing with different people. In addition, he/she should be informed about issues in negotiations so that he/she can represent the district's view.

SECOND PHASE

In the second phase of a strike the novelty has begun to wear off. Usually it takes two to three weeks for this to happen, but the change is obvious. Strikers don't sing on the picket line, they begin to look tired, they don't dress as well and tempers flare. Organizational activities become more desperate. Fewer people are attending rallies, so the organization "creates" interest. Leaders bring in well-known speakers. District proposals are circulated only at rallies. At this point, the association may try more desperate measures such as blocking driveways or staging sit-ins at the administration building. The organization's strike efforts become strained as it tries to keep the momentum going.

This is the phase at which the association begins to compromise on its "immovable" positions. Skilled employee organization negotiators know they are only a few days away from a complete capitulation. Settlements, in this phase, are true compromises of both parties' positions. One overriding rule should guide the negotiator at this point: "Will a settlement build the likelihood of another strike in the years to come?" If no, then settle; if yes, then hang on -- it's going to get a lot better very soon.

THIRD PHASE

The third phase of a strike occurs when the strikers begin to face the economic reality of a strike. In a short strike the net return for strikers is worth it, but it is almost impossible to make up the salary lost in a strike that lasts four weeks or longer. After four weeks bills come due, health insurance has to be purchased or lost, the economic picture becomes bleak. It is at this point that the association membership becomes desperate to settle. For the district negotiator, at this point settlement is just a matter of time.

In many recent strikes the board has announced prior to a strike that if a strike occurs the Board may withdraw any or all offers. It is at this third phase that the board begins to withdraw those offers. Large numbers of strikes have been settled with the association taking less than they could have had at the start of the strike.

Effective district negotiators anticipate the phases of negotiation before they occur. Negotiations during a strike will run more smoothly if the district negotiator follows these guidelines:

Pre-Agree on One District Communicator

The board, the administration and the negotiator need to be protected from interference from media and outsiders. The only effective way to do this is to have a pre-agreement by the board that in the event of a strike there will only be one outside communicator.

If the board adopts such a practice and then imposes it, the district will eliminate much of the devisiveness and wasted time created by outsiders.

Pre-Agree on One District Negotiator

There can be only one negotiator in a district at a time. Unfortunately, in a strike everyone tries to be a negotiator. In one district, a local minister convinced the board president that if the board made an offer a large number of teachers who had been talking to him would cross the line. He went back and convinced the board to make the offer. When the teachers didn't come back, the minister said he was sorry. Of course the board's final settlement was that much higher.

If the board agrees that all proposals and counter-proposals must be funneled through the negotiator, the process will resolve itself much more quickly.

Pre-Agree on One Mediator

In most strikes multiple "mediators" make themselves available. Mediation is a beneficial process, but only if conducted by a professional who knows what he is doing. State law provides for a PERB- appointed mediator from the State Conciliation Service. Any other mediator is superfluous. The board must pre-agree to use only one mediator to work between the parties.

Pre-Agree on Critical Dates

In the heat of a strike it is often difficult to explain the negotiating process. The board and the negotiating team should pre-agree on critical dates in the strike/negotiation process. At a minimum, the board should agree to two dates: first, it will take a strike without capitulating to the association's pre-strike position for at least twenty school days and, second, it will not move upwards from its pre-strike position for at least ten school days. On those dates the board can decide whether it wants to change position by increasing or reducing its offer. If the board won't agree to these dates then they should settle before the strike starts.

Establish a Coordinator between Management Strike Team and Negotiating Team

Management has so many crises in a strike that it is important that someone coordinate strike strategy with negotiation strategy. Timing of proposals, release of information, place of meetings and issues to be discussed often have an impact on other phases of the strike plan. The chief negotiator doesn't have time to watch the rest of the team as well as handle negotiations. One person should be designated to sit in on negotiations and be on the strike team to communicate and watch for potential problems.

Pre-Set Meetings with the Board

One mistake negotiators make is to worry about negotiations and strike activities and forget about the decision-makers. If the negotiator and the board are going to work together they must have regular meetings. At the beginning of the strike a daily morning meeting of the board, the superintendent and the negotiator is a good idea. As the strike progresses these meetings can be spread out.

Prepare for the Final Settlement

Sooner or later the strike will be settled with an agreement. So far no strikes in California have not been settled. Most negotiators are prepared to settle the negotiation issues, but forget that in a strike there are often other issues which have to be resolved. Some potential issues are:

1. Association Activities
    a. Unfair practice charges
    b. Lawsuits
    c. Violation of injunction
    d. Discrimination against non-strikers
2. Employee Activities
    a. Loss of benefits
    b. Loss of extra-duty assignments
    c. Right to return to previous assignment
    d. Warning notices
    e. Dismissal action
3. Management Activities
    a. Unfair practice charges
    b. Lawsuits
    c. Violation of injunction

Management should try to settle all the issues between the parties. Leaving an issue on the table is like leaving a burning cigarette in the forest.

Breach of contract and unfair practice cases should be settled along with other issues. If the board wants the association to post a notice, it should be negotiated along with the strike settlement. (The district should seek careful legal advice in this area, because insisting to impasse on the settlement of an unfair practice case is itself an unfair practice.) Those districts that have settled a strike but carried on legal action have in most cases dropped the actions later without resolution.

At the very least, the district should include provisions in which the association agrees that the district is not required to pay strikers and that the association will not retaliate against non-strikers. An example of this occurred in one district where management settled, but forgot to protect non-strikers. After the strike, the association directed its members to refuse to request any substitutes who worked during the strike. (See Appendix IV - C for a management-oriented strike settlement agreement.)

Small District Negotiations

Many of the ideas already set forth in this chapter apply equally to all districts. However, in districts where there are three to five board members and a superintendent/principal, some of these ideas do not apply. The vulnerability of board members and superintendents to political pressure is unfortunately just as great in small districts as in large ones. Board members trying to negotiate with teachers' organizations in public may well be voting themselves out of office. The vast consensus is that in the small district facing a strike the board should seek help from outside counsel and professional groups. ACSA can provide assistance (see Addendum).

Under no circumstances should the superintendent or superintendent/principal of a small school district throw himself/herself into a lead role in negotiations during a strike. Those superintendents who have done so have often become scapegoats at the end of the strike.

APPENDICES
TO
CHAPTER IV

IV-A

STRIKE NEGOTIATIONS CHECKLIST

Critical Questions

________Has the board of education agreed to take a strike without compromise for at least three weeks?

________Has the board of education agreed that there will be only one negotiator during the strike? Who?

________Has the board of education agreed that there will be only one spokesperson to communicate with the press, radio and television? Who?

________Has the board of education developed a plan for required meetings with the negotiator? What?

Tactical Questions

________Will negotiations continue during a strike? If yes, how soon after the start of the strike should the first meeting be held?

________Where will negotiations be held? Union hall? District offices? Neutral location?

________Does the union bargaining team have authority to settle?

________Do union negotiators control membership or does membership control union negotiators?

________Should the services of a mediator be used? If yes, when?

________What will be the union's demands for settlement? What responses can management give to the anticipated demands?

________What does the union really need in order to settle?

________Does management need a settlement? If yes, when? On what terms?

IV-B

STRIKE SETTLEMENT AGREEMENT CHECKLIST

________Include in agreement that strikers will not be paid salary for period they withheld services.

________Include strong provision for right of district to verify absences to deal with requests for paid leave during the strike.

________Include agreement that association will not retaliate against or discipline those employees and non-employees who helped during the strike.

________Determine whether the district will pay for fringe benefits during the strike; i.e., health insurance, dental insurance, life insurance.

________Determine whether legal action will be taken against strikers who committed sabotage, violence or other illegal acts.

________Determine position on withdrawal of employee organization's unfair practice charges and other legal actions.

IV-C

SAMPLE SETTLEMENT AGREEMENT

The Association agrees to dismiss and waive, with prejudice, any and all claims including unfair practice charges, either presently pending or otherwise, arising out of the strike, strike-related activities, or the negotiation/mediation process which transpired prior to the date of this Agreement.

The Association agrees not to institute or cause to be instituted any legal proceedings against the District upon the strike, strike-related activities, the negotiation/mediation process, reduction in any employee's salary warrant as a result of non-performance of service during the strike, or the removal of a benefit during the term of the strike.

The Association understands and agrees that the District may take disciplinary action against any employee who engaged in acts of sabotage, violence, damage to district property, abuse of students or encouragement of truancy or damage to school property by students. In the event the District takes such action, the Association agrees that such District actions are not subject to the Grievance Procedure of the Agreement.

The Association agrees that in the event the plaintiff, its employees, its members or its agents violate this Agreement that the Association will be liable for liquidated damages for each day from the date of the violation until the Association repudiates the activity, informs the participants to cease such action and cures the violation. The amount of daily liquidated damages shall be equal to the daily salary increase for all unit members negotiated for the 198_-8_ school year. The Association agrees that the District may deduct such amount from the dues deduction warrant it transmits to the Association.

RECOMMENDED

ASSOCIATION	
Dated	Dated

APPROVED

ASSOCIATION REPRESENTATIVE	BOARD OF EDUCATION
Dated	Dated

CHAPTER V

DISTRICT-LEVEL OPERATION

Staffing during a Strike

The key to maintaining educational services during a strike is the replacement of strikers who perform essential services. This presents the strike management committee with an important question: which services must be maintained and which services and programs can be discontinued during a strike? For example, during a classified employee strike gardening services can be discontinued. The only result would be longer grass to cut when the strike is over. On the other hand eliminating essential sanitary services would result in an unhealthful environment.

Obviously, management has to list the functions each position performs and then prioritize them. After management has determined which services to maintain, it should staff positions that perform essential services.

Non-striking employees performing non-essential services should be assigned to perform essential services. In some cases, there may be a problem if the non-striking employees have sympathy with the strikers. Often employees refuse to change jobs during a strike. In other situations, employees crossing the picket line may be threatened if they replace strikers. Thus, great care must be taken in trying to get non-striking, rank-and-file employees to perform other than their normal duties. Management has greater flexibility in using management employees to replace strikers. Those management employees performing non-essential services should be given a strike assignment aimed at maintaining essential programs.

A plan should be developed to encourage adult volunteers to help the school through the strike. Many parents have teaching credentials, which can be quickly registered with the county office.

Also, a district may now hire a certificated teacher who has not taken the state basic skills proficiency test, pending the receipt of test results, if the teacher has not had the opportunity to take the test but takes it at the earliest opportunity. (See Appendix V-K.)

Retired certificated managers and teachers will often volunteer their services, if asked. Other volunteers who can be of help are secretaries, locksmiths, nurses, police officers and plumbers. Having responsible adults available to help in classrooms as aides and for playground supervision is a great help.

By combining classes and using instructional aides, the district will be able to reduce the number of substitute teachers needed to maintain educational services during a teacher strike. When using instructional aides to stretch the teaching staff, it is important to make sure that only certificated employees give direct instruction to the students. The aides monitor and provide practice, using activities designed by certificated personnel. If well-organized, this technique will make it possible to cover several classes with one certificated replacement teacher.

In addition to non-striking employees, management personnel and adult volunteers, the district should attempt to recruit and hire enough replacements to maintain essential services. Too many replacements is better than too few; but experience has shown that in the case of teacher strikes districts have not been required to staff at 100 percent. There is usually a sharp drop in student attendance. It is necessary to staff only for students in attendance, not the full enrollment.

The board of education should adopt attractive salaries to encourage potential temporary employees to cross a picket line. For example, salaries of $90 to $100 per day were sufficient to attract teacher replacements in 1980 and 1981. The teachers being replaced often earned $120 to $135 dollars per day, plus benefits. Obviously, the school employer "saved" money, even though teacher replacement salaries seemed generous at the time.

The first source for teacher replacement is the district's own substitute list. Each substitute on the list should be contacted and asked if he or she will serve during a strike. It has been found that many of the regular substitutes will not work during a strike in order to avoid on-the-job problems after the strike. Another source is substitute lists from nearby school districts. Again, each person on these lists should be polled to determine his or her availability and willingness to work during a strike.

Large advertisements should be placed in the major daily newspaper in the area. (Appendix V-I.) These ads can be supplemented by spot ads on popular radio stations. Experience has shown that effective recruiting can take place for up to 100 miles, depending upon road and driving conditions. THe availability of qualified replacements in the local labor market will determine the amount of time, money and effort that should be allocated to advertisements.

Arrangements must be made to quickly and efficiently process applicants attracted by the recruiting effort. The best approach is to open a processing center. The ideal processing center is a large open building with a lot of room for parking. Ingress and egress to grounds and parking area should be limited. Because of trespass laws, private property has an advantage over school property. The center should be equipped to process applicants from the initial application through all the legal requirements, such as fingerprinting and TB tests. Ideally, the applicant should leave the processing center with an emergency credential and assignment in hand.

If management is successful in staffing so as to maintain essential educational services, the strike can be broken. The district will continue to receive revenue while the strikers are out on the street without a paycheck. At some point the strikers will realize that they have lost and will return to work either with or without a settlement.

Emergency Credentials

Effective January 1, 1983, requirements for an emergency teaching credential were substantially increased. These changes will make it much more difficult for school districts to maintain educational services during a teacher strike. The educational requirement for an emergency credential was increased from 90 semester units to a baccalaureate degree. Until January 1, 1985, it will be possible to request an emergency credential for an individual who has completed 90 semester units of college coursework if the employing district or county board of education submits a declaration stating that it has an insufficient number of candidates for emergency credentials who hold the baccalaureate degree. This declaration must be made in the form of a motion adopted by the governing board of the district or county at a regularly-scheduled meeting of the board and entered into the minutes of that meeting.

Effective February 1, 1983, all applicants for any emergency credential must have passed the California Basic Education Skills Test (CBEST). Scheduling special administrations of the tests for replacement teachers will represent a substantial cost to the district. In a strike situation it is highly unlikely that tests can be scheduled and graded very quickly. Thus the district may have to begin its plan several months in advance. Education Code Section 44830(b) (2) states that governing boards shall direct superintendents to prepare for emergencies by developing a pool of qualified emergency substitute teachers.

At the time of the printing of this book, the Commission on Teacher Credentialing will arrange for a special administration of the CBEST within ten working days of receipt of written verification by the district that certain specific conditions have been met. The current Title 5 regulations require the following conditions:

1. Substitutes must be found for at least 25 percent or 40 of the teaching staff, whichever is the larger number, at one time.

2. The district or county agrees to provide space suitable for the test administration, and to provide administrative support in identifying qualified examination proctors and in accomplishing the test registration process.

3. The district or county agrees to reimburse applicants for the financial investments in emergency credentials which could be very substantial. It is highly unlikely that applicants will be willing to meet this financial burden for the opportunity to work for the duration of a strike. Some county counsels have determined that under these circumstances it may be legal for the district to pay the fee. Another approach is to guarantee enough working days to make the investment worthwhile for the substitute.

There are a number of exceptions to the CBEST requirement. (See Education Code Section 44830 (c) through (m).) Two of the most important are that the district can hire teachers credentialed in another state (Educaton Code 44839 (L)) and can hire teachers who have not been afforded the opportunity to take the test (Education Code 44830 (M)).

Instruction

Striking teachers traditionally attempt to convince the public that no instruction is taking place in the schools they have abandoned and that parents should keep their children at home. Experience has proven, however, that non-striking teachers are mandated to provide effective instruction and usually do better than the strikers.

So long as instruction is taking place and parents are aware of that fact, a reasonable number of children will be sent to school. Therefore, the district must, if it intends to keep the schools open, guarantee that instruction does in fact take place and then publicize to the community that effective instruction is available.

The first few days of a conventional strike are usually the most difficult. After three to four days the program usually falls into a somewhat regular pattern as far as instruction is concerned. Some of the more "creative" types of strikes, however, require quick responses on an almost daily basis. The district cannot, therefore, afford to become complacent, but must prepare for all types of eventualities. The district must monitor the union's activities and be prepared for sudden changes in strategy.

When preparing to continue the instructional program under strike conditions, planners should consider a number of activities.

It is not unheard of for a replacement teacher to discover when he/she reports to the classroom that the instructional materials and supplies, the rollbook, the seating charts, the audiovisual equipment etc. which are supposed to be in a classroom have been "misplaced" or even sabotaged. Therefore, a folder should be prepared for each room of assignment containing instructions, information and the materials necessary to handle daily administration such as roll, grading and supervision responsibilities. The directions should be simple -- what to do, where to do it and when it is to be done. Likewise, relief kits consisting of enough short-term instructional supplies to operate an interim program should be prepared for distribution as needed.

Since it is likely that a number of replacement teachers who are not familiar with the district's programs, materials and procedures may be in the classroom, the district should be prepared to deliver on short notice prepackaged emergency lesson plans and instructional materials for the various disciplines and grade levels. Especially during the first few days of the strike, each provided activity should ideally be designed as a complete one-day lesson, including worksheets and homework.

Homework on a regular basis is a good idea from both an instructional and a public relations point of view. It provides independent practice for the students, lets parents know what is happening in their child's school and advises the union that it has not been able to stop the district from providing service to the public.

The use of films is one of the things most vulnerable to attack by striking teachers. Although many teachers use films extensively during the regular teaching year, during a strike audiovisual materials will be referred to as "babysitting devices". Therefore, guides for the use of each film should be provided replacement teachers along with lesson plans, worksheets, activities and/or quizzes. If at all practical, something should be completed in writing by the students that can be used to document the fact that they were doing more than "just watching movies".

In order to prevent or at least inhibit vandalism of instructional equipment and supplies, the district should consider arranging for a centralized, specially-keyed storage area at each school site for projectors, films, take-up reels, textbooks, reserve supplies etc. Equipment should never be left in any classroom overnight, especially if the rooms open to the outside of a building.

One way to keep parents advised concerning their child's academic evaluation, citizenship and attendance during the strike is to prepare a progress report form to be sent home weekly. At the beginning of the strike, the district should advise the parents by memorandum that a weekly grade report will be forthcoming and that a copy of the form will be kept by the school to be used by the administrative staff when they supervise averaging the grades given by the replacement teacher with those given by the regular teacher if and when he/she returns. The master copy of the notice and the weekly grade report form should be prepared in advance of the strike as part of the district strike plan.

Along with the weekly progress report, schools should consider sending home a brief newsletter describing what is happening on campus, thereby countering the usual claim that the district is just babysitting. This report or newsletter should be developed in cooperation with the district's information officer.

Although it has been suggested that blinds should be drawn on all classes facing the street so students are not distracted by the sight of the strike activities, it would be useless to attempt to pretend that the strike does not exist. Students will be painfully aware of the existence of a strike no matter what action is taken. In the case of certain advanced classes it might even be appropriate to incorporate certain aspects of the activity into the instructional program. For example, one timely lesson might be on propaganda, with vocabulary words such as "scab", "goon squads", etc. The district might even wish to consider using excerpts from the media communication manuals labor organizations provide their employees for use during a strike. (Parents might be particularly interested in this lesson.)

Whatever approaches are used, it is important that the district assign someone with authority to monitor, evaluate and rapidly adjust the instructional program on an ongoing basis in order to provide as good an instructional program as possible under the circumstances.

Food Service

A strike will probably necessitate some modification of cafeteria services. Amounts, delivery and procedures may well be affected.

If food service workers are involved in a concerted activity for any length of time, it may be advisable to contract with a large neighboring district or a food service company to provide either hot or cold "pre-packs" or sack lunches. If such an arrangement is made with a food service company, an attempt should be made to contract with an organization familiar with U.S. Department of Agriculture school lunch standards. If such an organization is not available, close guidance concerning the school lunch pattern should be given to the company with which the district contracts.

For the sake of simplicity and ease of distribution the district should consider providing Group IV portions rather than attempting to adjust portions by age/grade group. Accurate distribution and content records should be kept in order to facilitate completion of the reimbursement claim form (OCNS-71-5) for the state department of education.

Extra trash bins should be provided each school and located as near the cafeteria site as practical because of the increased volume of waste paper which will be generated by the disposable food packs.

Attendance

During a strike parents should be assured that school is a safe place for their children to be, that instruction is taking place and that the compulsory attendance laws are still in effect.

Schools should be directed to collect and report attendance figures to the district office by a specific time each day, so an intelligent response can be given to questions from the media concerning this topic. It is obviously preferable for the information officer to be able to say, "We will have that information for you by 10:00," rather than, "We aren't sure," or, "We do not have that information at this time." The latter responses make the district appear to be at the very least disorganized and can even give the impression of being deceptive.

When comparing student absence rates during the strike with the absence rates common for this time of the year, districts should use the actual attendance rate (seat time) rather than the apportionment attendance. Apportionment attendance is always much higher than seat time and an erroneous comparison would make the impact of the strike seem even more impressive.

School sites should design and provide simplified attendance procedures for use by replacement teachers. If your district uses the state attendance registers, it is recommended for reasons of security and accuracy that a duplicated class roll or attendance cards be provided and the formal register be kept in a safe locaton.

Sometimes it is necessary to combine classes or reassign students. However, care should be taken to maintain an accurate record of where each student is at all times during the day. Nothing looks worse than not being able to locate a child when the parent comes to pick him/her up during the day.

Class loads should not be a problem for a short period of time but if the strike stretches on, care should be taken to comply with the provisions of Education Code Section 41367 and 41378.

Transportation (Employee and Student)

Even if the transportation employees are not directly involved in a strike the transportation department will be affected. For example, in some situations, because of potential damage to personal property or the danger of physical abuse, it is advisable to have replacement teachers or substitutes park their cars in a safe, guarded location and transport them to their worksites by bus. In the case of a "revolving" strike, a district may direct substitutes to report to a central location where they stand by to be transported by district vehicle to the school site which has been "hit". If the environment is very hostile, arrangements should be made for police escort.

Whether the transportation workers are involved or not, serious consideration should be given to increasing security in the bus storage area, purchasing locking gas caps etc. Equipment should be checked carefully and often. Obviously no emotionally stable person or responsible organization would do anything to endanger the safety of a child but sabotage of equipment is certainly not uncommon. During a strike emotions run high and the history of school strikes is full of examples of poor judgment and unfortunate incidents.

Should drivers participate in a job action, the district has a number of options, ranging from eliminating all but mandated (special education) transportation to contracting with a private company to take over the routes. In metropolitan areas there are a number of companies with the experience, equipment and trained licensed personnel available to take over all or selected or modified routes on comparatively short notice.

Another option is to provide limited small group transportation in vehicles not defined by law as a "school bus". The Vehicle Code Section 545 excepts from the definition of a "school bus" "...a motor truck transporting pupils who are seated only in the passenger compartment, and a passenger vehicle designed for and when actually carrying not more than 10 persons, including the driver." This appears to mean that the driver of such a vehicle would not be required to hold a school bus driver certificate. Should district vans or minibuses be used for this purpose, care should be taken that the vehicle is not identified as a school bus -- that is, that the red lights and sign be removed or covered.

It should be noted that the provisions specify vehicles "designed to carry passengers". The Vehicle Code specifically prohibits transportation of students in the cargo area of a motor truck. The code further specifies that a vehicle carrying two or more handicapped pupils confined to wheelchairs are not excepted from the designation "school bus".

And, finally, should the district have to eliminate or reduce transportation services, the parents should be notified of that fact and provided with public transportation schedules and/or suggestions for coordination of car pools. Depending upon the size of the district and availability of resources, some districts may wish to become actively involved in the organization and/or coordination of car pools.

Rather than cancel the school's pupil activities, the district may wish to consider contracting with a commercial carrier as defined and provided for in Vehicle Code Section 546.

Security

As was noted earlier, during a strike emotions often run high. Otherwise law-abiding employees often commit acts of violence. In almost every strike, someone throws nails on a board member's driveway, throws paint-filled balloons at school buildings and slashes tires. Students, particularly high school students, become excited during strikes and have been known to react violently. There have been reports of some employee organizations' members encouraging student unrest and vandalism as a regular part of their strike plan.

The district's strike plan should include provisions for protecting people and property. One administrator should be given resonsibility for the district-wide coordination of security. This person should be a member of the district's strike management committee or report directly to a member of the committee. There should be constant communication between security and the strike management committee.

APPENDICES
TO
CHAPTER V

V-A

STAFFING CHECKLIST

________Which services can be discontinued and still allow the district to maintain essential education programs? Develop a list.

________Will there be non-striking, rank-and-file employees performing non-essential services? Are there any legal or contractual prohibitions against assigning them other duties?

________Will there be management employees available to perform essential services? If yes, prepare a strike assignment for each management person.

________Establish a list of parent and community volunteers. Determine whether they will provide services during a strike, their availability and the job they can perform.

________Develop a plan for using instructional aides so as to reduce the number of substitute teachers needed.

________Attractive salaries for strike replacements must be adopted by the board of education.

________Contact each person on the district's substitute list. Determine whether each will cross a picket line to work during a strike.

________Obtain substitute lists from nearby school districts. Contact each person on the lists to determine whether each will cross a picket line to work during a strike. Ask neighboring districts to cooperate by cutting back on substitutes.

________Establish a plan for the recruitment and hiring of replacement employees. The plan should include advertisements and a center for the quick and efficient processing of many applicants.

V-B

PROCESSING CENTER CHECKLIST

________Make sure sufficient forms are on hand: applications, credit forms, fingerprint cards, loyalty oath forms, district maps etc.

________Make sure sufficient furniture, equipment and supplies are available: tables, chairs, typewriters, paper, pens, pencils etc.

________Make sure utilities are installed: telephone, electricity, gas etc.

________Arrange to have security personnel present.

________Staff the processing center with clerical and other personnel. Make sure the following key personnel are present: credentials technician, qualified nurse for TB tests and personnel for fingerprinting.

________Consider having a doctor present to perform any required physical examinations.

V-C

ATTENDANCE CHECKLIST

________Schools must collect and report attendance figures to the district office by a specific time each day.

________Prepare forms and instructions for a simplified attendance procedure.

________Maintain duplicate class rolls or attendance cards at each school site.

________The official attendance register should be carefully prepared and reviewed.

________When/if providing comparisons of absence rates, do not confuse seat time with apportionment attendance.

V-D

TRANSPORTATION CHECKLIST

________Consider the advantages of providing safe car storage and bus transportation for replacement and non-striking employees.

________Provide round-the-clock security for this bus storage area.

________Provide for frequent safety inspections of all buses.

________If bus drivers strike, consider elimination of all non-mandated student transportation.

________If bus drivers strike, consider contracting with a private transportation company.

________If bus drivers strike, consider providing limited small-group transportation (not more than 10 persons), thereby not requiring a bus driver certificate.

________If bus drivers strike, consider organizing parents to form car pools.

________Make contingency plans to provide transportation for student activities.

V-E

FOOD SERVICE CHECKLIST

________Is it possible to contract with a neighboring district or food service company to provide lunches?

________Consider providing sack lunches or "pre-packs" for the duration of the strike.

________Consider providing only Group IV portions to all students, regardless of age or grade level.

________Provide extra trash cans for the increased volume of packaging material.

V-F

INSTRUCTION CHECKLIST

________Make sure duplicate class lists, roll books, grade books, etc. are available at each site for the replacement teachers.

________Make sure emergency instructional materials, supplies and equipment are available at each site, in a secure location. Only the principal should have the key.

________Make sure printed instructions and other important information are available at each site so that replacement teachers can handle required administrative details.

________Make sure relief kits containing short-term instructional activities are available at each site, in a secure location.

________Make sure prepackaged emergency lesson plans for various subject areas and grade levels are available, in a secure location.

________Make sure there is a plan for regular homework assignments.

________Make sure equipment, such as projectors, films, take-up reels, phonographs, records etc., are not left in classrooms.

________Make sure spare parts, such as lenses, plugs, speakers etc., are available in case equipment is sabotaged.

________Develop a system for weekly reports to parents on student progress and attendance.

V-G

EMERGENCY CREDENTIAL CHECKLIST

________Contact the county office and ask arrangements for credentialing replacement teachers.

________Governing board adopts a declaration stating that it has an insufficient number of candidates for emergency credentials who hold the baccalaureate degree.

________Each application for emergency credential must have attached a verification of the completion of the baccalaureate degree or of the 90 semester units and a board declaration.

________Each application for an emergency credential must have attached one of the original copies of the applicant's passing CBEST score.

V-H

SECURITY CHECKLIST

________Meet with local law enforcement and review in detail the services they will provide in the event of a strike. Find out what limitations they have in responding to calls for assistance. (Remember that most police officers are organized and represented by unions. The sympathies of the street cop may be with the strikers. A number of school districts have found local police departments of little help. It's best to pin the police officials down to a commitment before the strike.)

________Consider the possibility of hiring an outside security firm to provide temporary protection. Get a list of firms that provide security services during strikes. Check out their references. Find out not only cost but the lead time required by the company to field personnel.

________Plan and develop strike surveillance activities and locations for placement of photographers for best surveillance coverage to document all "incidents". Many private sector employers now use videotape equipment. Some security firms provide this service, but it is expensive.

Building and Grounds

________Review ingress and egress to all schools and buildings. Determine in advance which doors and gates will be used.

As a general rule, the number of points of ingress and egress should be limited.

________Review night-lighting for each building. Burning the lights all night will increase the cost of electricity, but may prevent expensive vandalism.

________Review ingress and egress to grounds and parking lots. Determine which gates will be opened and the hours they will be opened.

________Consider posting guards at strategic gates to insure that only authorized people are admitted to school district property.

________Develop a system to make sure all gates, doors and windows are locked at the end of the workday. Making one person responsible at each site is the simplest method.

________Consider paying someone to spend the night at each school site. Some districts have used custodians and other classified employees as night watchpersons during teacher strikes.

Access To Buildings And Grounds

________Determine in advance whether strikers will be allowed to enter school grounds or buildings to get a drink of water, use rest rooms etc. Most labor relations and security experts strongly recommend that strikers not be allowed on school property.

________Prepare a system for the identification of personnel authorized to enter school property. Coded passes have been used with success.

Other

________Provide for the security of files and records. Unattended offices should be locked. One bottle of ink or a match can do a lot of damage to vital records.

________Provide for the security of private automobiles of non-strikers. Consider having non-strikers report to a central location and using buses to take them to their site. This makes it easier to guard automobiles and prevent costly damage.

________Arrange for a centralized, specially-keyed storage area at each school site for audio-visual equipment and instructional supplies. Provide a check system which requires daily storage of equipment and supplies prior to release of replacement teachers.

V-I

SAMPLE ADVERTISEMENT FOR REPLACEMENTS

SERENDIPITY CITY

UNIFIED SCHOOL DISTRICT

is seeking qualified

REPLACEMENT AND SUBSTITUTE TEACHERS

for service in the event of a labor dispute.

If you have a valid California credential or 90 semester college units or 135 quarter units, you may qualify to serve as a replacement teacher in grades kindergarten through 12. No previous teaching experience is necessary.

The school district will pay $100 for the first day of service and $90 for each subsequent day during the emergency.

To apply go to:

1540 Tranquility Avenue
Serendipity, California

Take No. 1 Tranquility offramp to "A" Street, then right on Old School Road.

Applicants MUST BRING transcripts showing date of bachelor's degree or 90 semester units.

Interested persons may apply between the hours of 6 a.m. and 4:30 p.m. daily beginning September 12.

Secured parking will be available for applicants and replacement employees.

V-J

PRE-STRIKE SURVEY

Certificated & Non-Certificated Personnel

CONFIDENTIAL

School: ____________________ Area: ____________

Signature: ____________________________________
(Reporting Administrator) (Title)

Date of Report: ________________________________

Instructional Hours: Start _______ End _______

Level (Check one)
___Elementary
___Secondary
___Community Adult
___Special Education
___R.O.C./P.
___Other____________
(Specify)

INSTRUCTIONS:

Prepare in duplicate. Send original to Personnel Officer. Retain one copy.

	TOTAL	ESTIMATE NUMBER				
STAFF GROUPS	ALLOT.	Pres.	Absent	Subs.	Req.	COMMENTS
I. CERTIFICATED						
Tchrs., Reg. Classrm.						
Tchrs., Non-Classrm.						
Librarian						
Nurse						
Other(s):						
1						
2						
3						
4						
5						
II. CLASSIFIED						
Secy./Off.Mgr.						
Clerical						
Plant Mgr.						
Custodians						
Cafeteria Mgr.						
Cafeteria Wkrs.						
Security						
Transportation						
Educ. Aides						
Noon Duty Aides						

Tchr. Assts.
Volunteers
Other(s):
1
2
3
4
5

SPECIAL REMARKS: ______________________________

____

____

V-K

SENATE BILL NO. 1225

Chapter 535 of the Statutes of 1983

Legislation was signed by the governor on July 28, 1983, relating to Teacher Credentialing: Proficiency Standards. The new law addresses many requirements and exemptions in the basic skills proficiency testing area. One provision, we believe, will facilitate the employment of teachers in rural regions of the state and in subject areas where there is a scarcity of teachers available.

> "This bill would authorize school districts to hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not been afforded the opportunity to take the test but takes the test at the earliest opportunity. The person could then be employed pending the receipt of his or her test results." SB 1225, Chapter 536, page 2.

We recommend you write to the Legislative Bill Room, State of California, 1020 "O" Street, Sacramento CA 95814 requesting a complete copy of SB 1225, Chapter 535.

CHAPTER VI

COMMUNICATIONS DURING A STRIKE

Public relations is the single most important issue in a school district strike. A district with the support of the community can withstand any strike, even a total shutdown of schools. A district without continuing support has no choice but to settle as soon as possible. Having and maintaining community support through public relations is the primary management goal in a strike.

An effective public relations program should begin long before a strike. Unfortunately, as districts have cut their budgets, public relations has often been the first to go. Those districts with ongoing public relations programs should integrate the strike communication into that program; those districts without an ongoing program should create one at the very latest at the first serious rumor of a strike.

As part of its written strike plan every district should have a written plan for public relations before, during and after a strike. Before building that plan the district has to make a number of key decisions.

Pick a Communications Coordinator

It is important that one person supervises all communications to assure that everyone is sending the same message. This goes for communications to employees, parents, the community and the media. There is nothing that will make a district look more foolish than one administrator saying a school is operating at peak efficiency and another saying that it is ready to shut down. That is why one person reviews all communications. But is does not mean that the person in charge of communications is the one who appears before the television cameras or speaks to the PTA.

A district must decide whether one person will be the only person to speak or whether different individuals will speak at different times. For instance: a large district might designate its school public relations professional as the spokesperson to provide daily information on operation of the schools; the superintendent or chief negotiator as the spokesperson to emphasize the district's commitment to reach a quick settlement, and on the district's financial condition; and the board president as the spokesperson to explain the reasons why the board cannot offer more than it already has. A small district with fewer management personnel might have one person filling all these roles.

If a district has a public relations administrator, consider

Special acknowledgement for this chapter should be made to the contribution from Strike Communications: Before, During and After -- Keys to Success, Lew Armstead, ACSA, Burlingame 1978.

placing that person in charge of overall communications. There are three main reasons for this:

1. He or she has the communications skills
2. He or she is already working with the media and should have some credibility.
3. He or she shouldn't have other major responsibilities during the strike.

The last should be carefully considered. Running a communications program during a strike is more than a fulltime job. Don't assign that task to someone who will be negotiating, staffing or any of the other major tasks during a strike. When the news media are pressed with a deadline and want to hear the district's viewpoint, someone had better be ready and willing to speak. If the media are told that the spokesperson is negotiating or that the superintendent is the only one who can answer and can't be interrupted, the district's message is not going to be communicated.

If there is no public relations professional on the district staff, carefully weigh the advantages and disadvantages of who will run the communications program. Also think about the roles these individuals could play if you have a public relations professional.

A board member: If board members are at their own workplaces, they can't be at the district office throughout the day to handle these responsibilities. Also, board members frequently tend to take the union's attacks more personally, and it is more likely that they will react emotionally. On the other hand, a longtime board member may also have a great deal of credibility and that is a necessary characteristic for a spokesperson. Board members also have an aura of responsibility since they are the elected representatives of the community.

The superintendent: Superintendents are very busy people during strikes. In a large or medium-sized district, they will likely not have the time to serve as spokesperson. Also, the superintendent must pull the district back together when the strike is over, and things he or she said as strike spokesperson may hamper relationships with staff. For many districts, however, the superintendent has been the only reasonable option.

The negotiator: This person certainly has the greatest knowledge of what's going on at the table. But he/she has another job during the strike and likely will not have the time to be spokesperson. The negotiator can, however, issue occasional statements on the progress at the table. It is imperative that whoever is speaking for the district coordinate any statements about actual negotiations with the chief negotiator. Don't destroy the negotiator's strategy in a news conference.

There's no proven answer to the question of who will speak for the district. Some districts have successfully used one individual as spokesperson for everything. Other districts have used two or three individuals with specific areas for which they speak. In the final analysis select the most credible person that has the time to do it.

Define Your Audience

In one California strike, the superintendent, forced to choose between taking two phone calls from the media, took the one from *Time* magazine. The week after the strike was over, his district was the subject of a glowing article in *Time*. Unfortunately, the strike was over because the community advertiser (the other phone call) printed a scathing article on the district's budget which so unnerved the board that they caved in. You can't win a strike in New York if your board is elected in Stockton.

In every community there are opinion-molders. They may be local newspapers, radio stations or PTA leaders. In one very small school district, the superintendent found that the local opinion-molder was the realtor across the street from the administrative offices.

The district needs to identify (1) the audience it wishes to address and (2) the most effective methods to reach that audience. This is the area in which a district most needs a professional public relations person. If a district does not have its own public relations officer, it should consider hiring a consultant. Some county offices or adjacent districts will loan a communications expert. The ACSA Public Relations Office can help plan and initiate your crisis communication program and can help you find ongoing assistance.

Establish a Media Center

It is essential that the district set aside an area for members of the press, radio and television. This room should consist of at least a press room with outgoing phone lines, coffee, background material and the latest press releases. The district public relations director should have an office close by.

The purpose of the media center is to provide a place where the press can get credible material from the district. In addition, the center will give the district a place to discover what information the press is interested in, and what information is being put out by the employee organization.

Prepare District Information Packets

Few if any of the media people involved in covering the strike will have any experience with school districts. They will expect the district to provide that information. These packets should include:

1. A district overview (history, enrollment, budget size, area served, board member identification and date of election and term expiration, administrator identification, switchboard hours, a district map and anything that may be useful to people researching the district).

2. An explanation of substitute teacher qualifications, the process used to register them and the district person who can respond

to questions about them.

3. An attendance summary showing the format to be used in daily accounting of students and teachers during the strike. (This will differ from regular accounting because rotating or part-time staff may be assigned full-time. Additionally, substitutes and returned regular staff should be designated. Daily attendance figures are newsworthy and important. Accounting must be explained to avoid misconceptions or deliberate misrepresentation of the numbers of students and regular teachers out and those returning.)

4. A history of the current negotiations, including the board's position, meetings held to date, impasse history, issues, past news clippings and anything else that would help a reporter or community member who has not been following the process to understand what's happening.

5. Samples of letters the district has sent to parents, staff members and community leaders to substantiate the district's candor, consistency and efforts to communicate to all concerned audiences.

6. Communications center information (hours to be open, contact person, briefing schedules, attendance reporting procedures and schedules, incident report recording process and availability).

Select Communication Channels

The district has to consider its most effective communication channels. Many of the most effective channels are the least costly. For example, one district found that by sending administrators out to local organizations such as Rotary to give talks it could communicate credibly to 90 percent of the business leaders in the community. The cost to the district was minimal.

Besides the normal media communication devices the district should consider other ways which may be more effective. (See Appendix VI - A for a list of possible communication channels.)

Checklist of Tasks to Accomplish before First Day of Strike

1. Develop a list of names, phone numbers, deadlines and contact persons for each newspaper, radio and television station read or heard in your district.

2. Prepare media packets for media which do not normally cover and may not have a basic understanding of your district.

3. Meet with the reporters, editors and/or news directors of your local media to provide them with a detailed understanding of the situation.

4. Designate a district communication spokesperson.

5. Decide how you will communicate with the media on a daily basis, through news conferences, news releases etc.

6. Discuss with principals and other members of the management

team their role in the public information plan and in dealing with the media.

7. Inform all media of your public information plans, i.e., news conferences.

8. Establish a communications center or other means of collecting daily information from the schools.

9. Distribute daily reporting forms to all principals.

10. Determine the normal attendance at each school.

11. Provide schools with written forms showing what information they will need to report each morning.

12. Install a taped telephone message system and widely publicize the number.

13. Attach to envelopes a set of mailing labels to parents so you can send a letter immediately. How long will it take you to have a third set ready?

14. Set aside a room for the media with telephones and typewriters.

APPENDICES
TO
CHAPTER VI

VI-A

COMMUNICATION CHANNELS

________Direct letters

________Regular newsletters

________Principal's meetings

________District administrator's meetings

________District administrator speeches to community groups

    ______PTA

    ______Service group

    ______School advisory councils

________Reports on negotiations at board meetings

________Press releases (radio, TV, newspapers)

________News conferences (radio, TV, newspapers)

________Community telephone "hotline" center

________Negotiation summaries

________Regular radio reports on condition of schools by school spokesman

________Board meeting summaries

Employees

________Regular negotiation summaries

________Regular fact sheets

________Review meetings with principals

    ______Principal meetings with employees

    ______Informal communication to employees

________Distribution of meeting minutes to principal

________Telephone "hotline" reports

________Direct letters to employees

________Employee handbook

XI-B

PHONE TAPE MESSAGES

SAMPLE 1 - Before-Strike Phone Tape Message

This is the Sunnyside Union School District information line, Monday morning, September 3rd. Schools will be open on Friday, September 7th, in the event of a work stoppage. Sunnyside Union School District officials and leaders of the Sunnyside Education Association are meeting daily in efforts to avert a threatened strike. Proceedings are conducted under the direction of John Brown, State mediator.

District officials have announced that if a strike occurs, schools will be open. All class, bus and cafeteria schedules will be in operation as usual.

Classrooms will be staffed by qualified teachers. In accordance with board of education policies, all grading and homework procedures will be in effect.

Negotiations will continue until a final settlement is reached.

Please continue to call this number for up-to-date, accurate information 24 hours a day.

SAMPLE 2 - First Morning of Strike Phone Tape Message

This is the Sunnyside Union School District information line, Friday morning, September 7th. Schools will operate this morning although leaders of the Sunnyside Education Association have called a strike. All schools in the district are open and operating with qualified teachers in the classrooms. The school will attempt to provide a normal instructional program and all work completed by students will be counted.

Parents are urged to send students to their school. All services, including transportation and food, will continue.

Schools are looking for college graduates to teach and for volunteers. If you are interested in helping your principal, please phone your school.

Please continue to call this number for up-to-date, accurate information 24 hours a day.

App-C

TYPICAL NEWS RELEASES

Typical News Release on Impasse

Sunnyside Union School District
July 1, 1987
FOR IMMEDIATE RELEASE

For further information
call Charlie Brown,
763-4321

Impasse has been declared in negotiations between representatives of the Sunnyside Board of Education and the Sunnyside Education Association (SEA).

After [illegible] in negotiation sessions which lasted for approximately [illegible] months, both sides declared impasse last night (June 30) saying they could not reach agreement on economic issues. This paves the way for a neutral party to help both sides reach a mutually acceptable settlement.

Negotiators representing the Sunnyside Board of Education and the Sunnyside Education Association (SEA) had reached tentative agreements on a number of issues including school calendar, leave policy, safety conditions, a grievance policy and class size.

"At this point the school board is ready to take the next step outlined in the Rodda Act," said Charlie Brown, district spokesperson. "The law calls for mediation with a neutral party. We want to try all possible ways to reach agreement."

The teachers' union's latest salary proposal was for a 12 percent cost of living increase on the salary schedule. The district countered with four percent.

If the district accepted the total package the union has [illegible] placed on the table, it would cost us $1 million," Brown said. "The salary schedule and fringe benefits offered by the board are comparable to those in neighboring districts. The board has made a fair offer considering its other responsibilities to the students, parents and taxpayers."

Typical News Release on Strike

Sunnyside Union School District — For further information
August 5, 1987 — call Charlie Brown,
FOR IMMEDIATE RELEASE — 765-4321

Schools will be open tomorrow with qualified teachers in the classrooms as a teachers' strike begins its first day in the Sunnyside Union School District.

Talks have broken off between the Sunnyside Board of Education and the Sunnyside Education Association (SEA) over a contract for the 200 district teachers. Both mediation and fact-finding failed to bring about a settlement.

"The board of education is committed to maintaining a quality education program for our 5,000 students," said Charlie Brown, district spokesperson. "We will attempt to have qualified substitute teachers in all classrooms tomorrow. If the strike continues the district will improve its operation on a daily basis."

Schools will operate on a minimum schedule tomorrow with classes starting at 9:00 a.m. and running until 12:20 p.m. Brown emphasized that all student work completed during this time will count toward graduation or grade advancement.

The latest offer made by the board to the SEA, exclusive representative for the 200 district teachers, includes a 4 percent increase on the salary schedule, further discussion on increased costs of the present health and welfare schedule, as well as longevity and advanced education.

"This is a very fair offer to the employees," said Charlie Brown, district spokesperson. "It would mean that the average teacher salary in this district would be $19,000 or $1,900 a month for the 10-month school year."

Brown indicated that the proposed salary schedule offered by the school board is very comparable to salaries in neighboring school districts.

"Our average teacher salary is the second best among the 10 elementary school districts in this county," he explained. "This is the best the board can do while still being fair with classified employees, students and the taxpayers."

Brown explained that the union is demanding a 12 percent increase on the salary schedule. He encouraged parents to phone the district information line, 123-4567, for accurate, up-to-date information 24 hours a day.

VI-D

TYPICAL LETTER TO PARENTS

Dear Parents:

As you have likely heard by now, the Sunnyside Education Association (SEA) has called upon its members to withdraw services to the district. The board of education has made an honest effort to be fair to the employees. The board has offered the SEA a four percent salary package. With other fringe benefits, including the increased costs of health insurance as well as mandated costs, the district's total offer is more than nine percent.

The board of education feels that it has made a very fair offer and that is the best it can do considering the other demands upon the district's budget. The board will not cut into the budget to an extent that will force it to damage the instructional program for students.

The board is committed to keeping the schools operating and to continue providing a quality program for the district's 5,000 students. Your help is requested. Please encourage your youngsters to attend their normal classes. There will be qualified teachers in the classrooms. They will receive meaningful instruction. Please have them bring a bag lunch and beverage to school.* Please organize car pools when necessary. All the work students do during this period will be counted toward graduation or grade advancement at the end of the year.

It is hoped that this withdrawal of services to the district will be brief. The board is confident that the majority of the employees in this district will soon be back working with the students. If you have any questions, please phone 123-4567 to receive an accurate, up-to-date message available 24 hours a day.

In order to keep your schools operating at full efficiency, many of your friends and neighbors have volunteered to help. If you will help at a school, please phone 123-4567, Extension 30 or 35, or phone your school principal.

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*To be used only if food services are affected by the strike.

VI-E

TYPICAL OPEN LETTER TO COMMUNITY

OPEN LETTER TO THE COMMUNITY
From the Sunnyside Union School District Board of Education

Your board of education wants to take this opportunity to inform you of the current labor situation in our schools. Unfortunately the Sunnyside Education Association (SEA) has decided to call a strike. The representatives of the board have negotiated with the teachers' union for many long hours. The board continues to keep in mind our responsibility to you to be sound businesslike managers and to provide a good learning experience for our young people. Through our representatives, we have offered the union a good package. It is fair from all reasonable viewpoints. This last offer would have cost the district more than a 9 percent total increase in expenditures. In brief form this offer included:

1. A salary increase	4.00%
2. Compensatory time off for three holidays granted teachers in 1975/76	2.37%
3. Restoration of Christmas Eve holiday	
4. Longevity service increase	.46%
5. Increased costs of health and dental plan	1.35%
6. Increased related costs tied to this salary offer, i.e., retirement, Workmen's Compensation, unemployment insurance premiums	1.00%
	9.00%

We have offered the best salary and benefit package we could while still being fiscally responsible with the community's tax dollars.

What can you do? Please encourage your students to attend their normal classes. We will run the best educational program we can. All student work will be graded and will count. With your help and understanding, we can keep education continuing and be responsible with your tax dollars.

Thank you for allowing us this opportunity.

(Signed by all board members)

CHAPTER VII

SCHOOL-LEVEL OPERATIONS

Pre-Strike Planning

Once the school principal has received the district plan and directions from the superintendent, he/she needs to begin immediate planning towards keeping the school open.

The first step is a clarification of local school policy so that the administrative team can function with distinct lines of communication. Such a declaration of local administrative policy must begin with an acceptance by the principal and his/her immediate administrative staff that there will, in fact, be a strike. Reluctance of administrators to acknowledge that a strike will take place serves no useful purpose and only impedes serious planning by local administration.

After accepting the premise that there will be a strike, the administrative team at the school needs to hear from the principal as leader with regard to:

1. The obligation to keep the school operational throughout the strike, unless the board of education takes official action to close it.

2. The responsibility to remain physically present on the school site as long as necessary.

3. The admonition that administrators should not endeavor to influence the position, opinions or philosophy of any staff member during a work stoppage.

4. An emphasis that the paramount concerns of administrators must be for the education, safety and health of students.

5. An emphasis on board rules and policies as the criteria for conduct during the work stoppage.

6. An admonition that any communication with pickets during the strike must relate only to functional responsiblities, and that physical confrontations must be avoided.

7. An emphasis that maximum support is to be provided for those staff members who remain on site to teach and serve during the strike.

An administrative policy statement containing the above emphasis can be used as a philosophical base for local administrative staff, and as a public statement of position in the event the need arises during the strike itself.

Obviously, the local school's strike plan must interface with the planning at the district level, and it should follow the same general format. It is essential, therefore, that the district plan be in the hands of the principal well before any strike in order to give him/her the guidance needed in developing a sound local plan. For example, the district concept will indicate under what conditions the school day might be shortened or pupils sent home when instructional personnel are not present. The school plan will obviously need to conform to those general guidelines and requirements, but contain more detail (see Appendix VII-A).

One of the priority items of concern in the local school plan must be security measures for buildings and grounds, for the staff who report to work and for the pupils themselves. Provisions need to be made for teachers who are threatened or intimidated to report incidents and, if situations become extreme, to be assigned to other schools for the duration of the strike. Both from morale and physical security perspectives, the local school plan should provide for the assignment of certificated and noncertificated personnel to assist with surveillance of buildings and grounds.

Another major component of the school team strike plan should deal with curriculum considerations. At the junior and senior high school levels, attention needs to be given to graduation requirements for 9th and 12th graders, with priority attendance consideration for these grade levels. If severe staff shortages should occur, a contingency plan may be necessary for release of 7th, 8th, 10th and 11th graders in order to utilize remaining staff to conduct the 9th and 12th grade classes. A paramount requirement in maintaining the instructional program is the preparation of contingency lesson plans (see Appendix VII-G).

A critical consideration is providing for necessary communications with non-striking staff members. One of the most effective media for such communication is faculty meetings held at the close of each day during the strike (see Appendix VII-E). An agenda for such meetings can be planned in advance and should include such subjects as the following:

1. A review of the events of the day.

2. Plans for the following day, to include classes in session, directions to students without classes, exact designation of holding areas, hours of school etc.

3. Role of parents in assisting on campus.

4. Number of substitute teachers available for assistance on the following day.

5. Class coverages including combination of classes.

6. Supervision and security measures.

7. Attendance and accounting procedures.

8. Availability of counseling and guidance services.

9. Operation of the cafeteria.

10. Announcements to be made to pupils for the following day, including procedures to enable them to go directly home if the school is closed, availability of lunches, bus transportation etc.

11. A status report on the situation in the rest of the district.

12. Status of negotiations and the district position.

In addition to the internal communication considerations noted above, pre-planning must provide for the external, i.e., public communications requirements. Arrangements need to be anticipated for dealng with the news media, including district-approved procedures for reporters and photographers to enter the school. Of course, all of the local school's planning in this regard will be contingent upon and controlled by the directions received via the district plan. The school plan should provide for clearance of all local press statements by the principal or his designee.

In any pre-planning phase basic staffing decisions must be made in order to assure continuation of the instructional program. For example, substitute teachers must be located and assigned to the school. The district plan will provide for assignments and give the principal instructions for reporting his or her needs and making requests. The district personnel office in anticipation of a strike may request principals to locate individuals who live in the school community who are credentialed and who are willing to serve.

In developing the pre-planning for staffing, the principal should:

1. Anticipate staffing needs.

2. Ask each teacher individually, in private, if he or she will be present. It is not desirable to ask for a show of hands in a faculty meeting. However, the principal may advise teachers, if teachers ask, that those who stay out lose pay, they may lose their health and welfare benefits, they may be reassigned after the strike or they may suffer penalties. The principal should make no threats or guesses, but simply state the facts.

3. Advise the personnel office of the need for substitutes. Indicate the number of teachers who will be needed and subject fields or specialties. (See Appendix VII-B.)

4. Expect experienced teachers to exert great pressure on new teachers.

5. Anticipate disruptions and make provisions for them.
   a. Establish procedures for handling those individuals who encourage pupils to participate in the work stoppage by demonstrating, walking out or picketing.
   b. Set out actions to be taken with regard to students who make an effort to join picket lines. They will be encouraged in this

by television crews who are either invited or who happen to be on the scene.

c. Plan for supervision problems -- there will be many excited pupils.

The school plan should provide for documentation of daily activities in a manner that can be used in court. Most of this information could be forwarded to the district emergency operation center via a standard form. (See Appendix VII-C.)

1. Documentation should be sufficiently accurate to cover attendance, absence, dates, hours, places etc. of personnel. For such purpose an inexpensive camera may prove very useful.

2. An information collecting system should be established to:
  a. Evaluate pre-strike and strike activities.
  b. Anticipate degree of strike participation by certificated and classified staff.
  c. Identify the kinds of problems that can be anticipated on the school site:
    Sabotage
    Missing roll books
    Missing keys
    Classroom sets of textbooks missing, etc.
  d. Collect written materials -- bulletins, etc., that appear in a school -- and forward to district emergency operations center immediately.

3. A "significant events" log should be kept by all staff members indicating date, time, event and witnesses for record-keeping purposes. Such information will be needed in case there are lawsuits or grievances following the strike.

4. The principal should be prepared to evaluate the calls and contacts received and inform the district emergency operations center of their nature and their probable value.

5. The principal should serve as a valuable resource in assessing community feeling toward the strike and toward the demands being made by the union.

The local plan should also delineate specific duties for school administrative staff. These should be limited assignments to critical areas.

Having ready a letter to parents about the work stoppage, alerting them to make arrangements for their children in the event of early dismissal or other unforeseen events, will save valuable time when the strike begins.

Once the strike has been announced, the functional aspects of the plan should be ready for implementation: e.g., collecting roll books, keys and lesson plans. "Stockpiling" of classroom sets of textbooks, audio-visual materials and other instructional supplies and equipment should already have taken place.

Pre-Strike Activities

Principals should anticipate and be prepared to cope with a number of typical events immediately prior to the work stoppage itself. These include:

1. Increased teacher activity as the organizers try to contact faculty members. This may include the use of pupils during class time to send notes and materials to other teachers.

2. Requests from the strike organizers to speak at faculty meetings. Such requests must be denied and the teachers concerned advised that such topics as strike action are teacher organization business. They may call special organization meetings if they so desire.

3. Increased absense of some key employees.

4. Acceleration of rumors: e.g., the school year will be extended, summer school will be mandatory, the school day will be lengthened, there will be no Christmas or spring vacation etc.

Perspective

It is particularly important for the principal to maintain his/her perspective at this critical time. After the strike is over, it is the principal who must reestablish the instructional team.

District Plan Coordination

Before the strike action occurs the principal will want the district administrator to review carefully his/her plan to insure that it interfaces with the district's concept of operations. The district plan should provide the principal with essential planning guidance and pertinent information includng:

1. Steps being taken to provide police or security protection for schools to assure peaceful picketing, and to see that all cars, buses and delivery trucks will be able to enter and leave school grounds.

2. Directions for cafeteria managers and personnel as to food service and other special provisions.

3. Instructions for parents that schools will be open, that younger children should be escorted to bus stops and special instructions for traffic jams at school caused by children being delivered by parents.

4. Instructions for supervisory personnel who will be reporting to the school site for further assignment by building principals.

5. Current status of negotiations.

6. Steps being taken to handle press contacts including photographers -- who will be responding, to whom inquiries should be referred and how press passes are obtained.

7. Bus schedules.

8. Special instructions for custodial, clerical and other classified personnel.

9. Visitation schedule of board of education members and/or superintendent's staff to struck schools to assess the situation.

10. Whether and how schools may be closed.

11. Whether there is to be any contact with pickets after an initial statement and whether they can use the building or lavatory facilities.

12. Whether parental help can be accepted.

Principal's Role during a Strike

When the time comes to implement the strike plan -- to set in motion all those responses to anticipated problems -- the principal's role shifts from that of anticipator to that of activator.

The greatest disruption to the educational program will probably come on the first day of the strike. In teacher strikes, pupil attendance will be close to normal, but staffing will be unpredictable. On the second day attendance will probably drop, staffing will increase slightly and the situation will become more manageable. Contingency instructional plans should be implemented on the second day.

In terms of his/her first priorities and actions the principal should:

1. Open school at least a half-hour early and have a reliable person at the telephone.

2. Implement traffic control plan -- e.g., unload buses in back of school.

3. In elementary schools schedule group activities. An abundant supply of films and projectors should be available in the school together with previous plans for assigning pupils to classrooms and other specified areas.
    a. Assemble children in a central place so available staff can be assigned.
    b. Schedule group activities for children who cannot be accommodated in classrooms. These include:
        (1) Yards
        (2) Auditorium
        (3) Library
        (4) Gym
        (5) Cafeteria
    c. Establish, if necessary, a period-by-period program of group activities. It should provide for physical education programs both outside and inside the gymnasium; for movies and music activities

in large group instruction rooms, particularly in junior high schools and for reading and study in the libraries and similar group activities in the cafeteria.

d. Use older honor students, particularly in elementary schools, to direct hall traffic, monitor the cafeteria and assist teachers in keeping discipline. Youngsters enjoy this kind of responsibility and usually respond magnificently to the challenge. Pupils are helpful, too, in internal communications, in making distributions and as office helpers.

4. Program pupils whose teachers are present, and who need languages and algebra. Give priority to 6th, 9th and 12th graders. Set up experimental courses using team teaching -- this can result in fine creative teaching. Implement alternatives planned for short day, combined classes, large group instruction etc. Implement options:

Double session
Minimum day
Short day
Combine classes

5. Give substitutes a brief written summary of their duties, curriculum outlines and lesson plans. Require them to assign homework! Issue roll books, lesson plans and the keys to classrooms and cupboards. If not available, use temporary roll sheets and grade sheets as well as attendance cards.

6. Use all entrances to campus for non-strikers since it thins out the forces of the strikers if they attempt to harass non-strikers at several locations simultaneously.

7. Be aggressive in rumor control. Keep the central office staff well informed so they can answer questions.

8. Check on sanitary standards.

9. Maintain relations with strikers, but no coffee, donuts or restrooms. Keep notes of all conversations and of who is on the picket line. Take pictures.

10. Prepare for the daily after-school meeting with non-striking school staff.

One of the most demanding responsibilities of the principal will be keeping lines of communication open with all factions of the dispute once the strike begins.

Many striking employees who desire to report to work but do not wish to cross picket lines will be looking for an easy way to return and will want to let the principal know. To counteract this the teachers' organization leadership will arrange meetings at night and give strong pep talks to bolster the strikers. Many striking employees will attempt to talk by telephone with the principal. They will also ask to have meetings with the principal off the school grounds after school hours.

If these meetings are limited to the school staff, it may be a good idea to attend these meetings to present the district's point of view concerning conditions that led to the impasse. Strikers are generally very poorly informed. However, don't expect miracles; strikers rarely return because of communication with the principal. The usual reasons are need for money and the effect of the strike on the students.

Staff Morale

Teachers' organizations have long recognized the importance of morale during a strike. They organize telephone trees, Sunday night activities, meetings, rallies, potluck lunches, contests, recognition and awards ("Gold Feet", "Striker of the Day" etc.). Teachers' organizations work hard to unify their people.

Just as there is a predictable time of change in morale among strikers, there are times when the working employees and substitutes feel depressed, unappreciated and alone. Such feelings can be mitigated by letters of appreciation, recognition of achievement and opportunities for relaxation.

Even more important to the maintenance of good morale is the removal of unnecessary irritants. What would be a minor irritation under normal circumstances can, under the stress of a strike, cause a major confrontation between people who need to work together. Administrators should be willing to initiate changes in any procedures, regulations etc. which make it difficult for those continuing to work to focus on and achieve the prime objective. Strike conditions do not allow for "business as usual" and may even offer an opportunity to change some outdated practices.

Supervisors should be alert for signs of stress. Sometimes all a person needs is for someone in authority to listen to them for a few minutes, or be made to feel appreciated. In other cases it may be a good idea to reassign someone for a few hours or even a day or two -- a teacher might be given a non-instructional assignment, a secretary may be sent "downtown" (or at least into a room where no phones are ringing) to complete a report. If the strike lasts long enougn even the strongest will need some kind of a break now and then. The most difficult thing for everyone to learn to do during a strike is to relax and to help those around to do the same.

Careful attention must be given to maintaining the morale of school staff who do not participate in the strike. Facing striking teachers on the picket line during the first day of the strike will be a tremendous shock to non-striking teachers. It may become even more shocking as time goes on.

1. Pickets will call non-strikers names.

2. Pickets may stand or lie in the way of cars of teachers coming to work or call them names.

3. Pickets may rock cars; they may slap fenders or pound on car hoods until stopped; they may block driveways either with their

bodies or their automobiles.

A combination of regular teachers, substitute teachers and emergency teachers and aides working together in a strained atmosphere of tension and uncertainty increases the problem of maintaining morale. This makes it even more important to exert every effort to reinforce staff morale and staff effectiveness.

The principal who visits classrooms and work areas several times a day gives support and assistance to teachers. His/her presence and positive attitude helps to restore morale or sagging spirits. Where possible, principals can teach a class to demonstrate they are sharing the trials and tribulatons of the non-striking teachers in a way that all can see.

The superintendent's staff and members of the board of education should make daily visits to schools to check on conditions and offer help in solving problems. Such visits also give a lift to morale. Generally, morale inside a school will be good. Teachers who cross picket lines are there and stay there because of very strong convictions.

Early in the strike, the superintendent and/or the president of the board of education, where possible, should send a personally signed letter to all teaching personnel specifically thanking them for their work and expressing admiration and gratitude for their help in keeping district services going for youngsters.

The principal's mental attitude toward striking teachers on the picket line will fluctuate between the desire to be a successful adversary, the desire to preserve long-standing friendships and the desire to set a climate for post-strike adjustments. Whatever his mental attitude, his verbal and non-verbal communication must consistently reflect professionalism and the district's position in regard to the strike.

Planning for the Supervision of Students

Large Groups

During an emergency situation, one of the major concerns of the principal is the supervision of the pupils. The principal should identify those areas within the school where a large number of students can be supervised by a limited number of personnel. Such areas might include:

Lawn areas
Lunchroom or lunch area
Auditorium
Kindergarten yard
Playground
Library
Patio areas

Small Groups

A large group of pupils can be organized into small groups or clusters using:

Educational aides

Teacher assistants
Upper-grade student tutors
Junior high school student tutors
Senior high school student tutors
College or university student tutors
Community volunteers

Within the immediate vicinity of the teacher, these support persons can assist in reinforcing basic skills previously taught by the classroom teacher.

Plans may include calling upon students who are in special clubs, such as student council, chorus or other service groups to accept responsibility for assisting teachers for short periods of time with the supervision of younger pupils.

Playground Supervision

Supervision on the playground and in lunch areas is handled by the noon recreation directors. In addition, they may be assisted by community volunteers, education aides and teachers in covering the classrooms if safety of the pupils is a critical factor.

Dismissal

All dismissals should be carefully planned to insure order. Have support personnel stationed at strategic locations to assist students in safe movement during dismissals. Dismissal should include walking the pupils to the gate.

Facilities to accommodate pupils who must remain at school until a parent picks them up at the end of the school day should be provided.

APPENDICES
TO
CHAPTER VII

VII-A

CHECKLIST: OPERATION OF YOUR SCHOOL

In the event of a strike, you will want to have an operation plan that you can communicate quickly and accurately to students, staff and the community. Everyone will want to know:

1) What they are to do,
2) Why decisions are made,
3) How to do certain things,
4) Where they are to be,
5) When they are expected to be there and
6) Who will be responsible for which students.

Use the following checklist to develop your own school contingency plan. Whatever plan you develop, it must fit your district's plan.

CHECKLIST: STRIKE PLANNING

________SET PRIORITIES
    ________Keep school open.
    ________Provide for safety and security of:
        ________Students
        ________Staff
        ________Equipment, buildings, grounds

________Maintain as normal a program as possible.

________Others

________DETERMINE STAFFING NEEDS.

________Instruct all personnel to report to their regular assigned work stations.

________Physically inspect each teaching and work station to determine number of substitutes needed.

________Fill all staffing needs without regard to student attendance (do not combine classes unless absolutely necessary).

________TRANSPORTATION SYSTEM

________Inform students that there will be normal bus transportation unless they are advised otherwise.

________Tighten security on release of children during the day.

________Suspend operation of student safety patrol.

________Others

________EMERGENCY PLANS & DATA

________Have on file a diagram showing all shut-off valves for water, gas and electricity.

________List phone numbers:

________Police

________Fire

________District

________Press

________Parents

________Secure all student and employee records, especially phone numbers.

________Prepare alternate communication system (neighbors' telephones, two-way radios, courier systems).

________Keep school lighted at night, with all shades and blinds open.

________Have extra light bulbs available.

________Have methods to enter rooms in case locks are jammed.

________Make checklist for securing building at night.

________Provide for 24-hour surveillance.

________Require turn-in of:

    ________Keys
    ________Roll book
    ________Lesson plans
    ________Teacher editions of texts
    ________Seating charts
    ________Attendance cards

ATTENDANCE CHECKLIST

____ Schools must collect and report attendance figures to the district office by a specific time each day.

____ Prepare forms and instructions for a simplified attendance procedure.

____ Maintain duplicate class rolls or attendance cards at each school site.

____ Carefully prepare and review the official attendance register.

TRANSPORTATION CHECKLIST

____ Consider the possibility of providing bus transportation or car pools for replacement and non-striking employees.

____ Provide round-the-clock security for the cars and buses.

____ Provide for frequent safety inspections of all buses.

____ If bus drivers strike, consider elimination of all non-mandated student transportation.

____ If bus drivers strike, check with district on contracting with a private transportation company.

____ If bus drivers strike, consider organizing parents to form car pools.

____ Make contingency plans to secure fuel, parts and supplies in case picket lines halt deliveries.

---- Make contingency plans to provide transportation for student activities.

LUNCH CHECKLIST

____ If possible, consider contracting with a neighboring district or food service company to provide lunches.

____ Consider providing sack lunches for the duration of the strike.

____ Consider providing only Group IV portions to all students, regardless of age or grade level.

____ Provide extra trash cans for the increased volume of packaging material.

____ Make sure substitutes are provided the necessary forms and instructions to comply with record-keeping requirements for free or reduced-price lunches.

INSTRUCTION CHECKLIST

____ Make sure duplicate class lists, roll books, grade books etc. are available at each site for the replacement teachers.

____ Make sure emergency instructional materials, supplies and equipment are available in a secure location at each site. Only the principal should have the key.

____ Make sure printed instructions and other important information are available at each site so that replacement teachers can handle required administrative details.

____ Make sure relief kits containing short-term instructional activities are available in a secure location at each site.

____ Make sure prepackaged emergency lesson plans for various subject areas and grade levels are available, in a secure location.

____ Make sure there is a plan for regular homework assignments.

____ Make sure equipment such as projectors, films, take-up reels, phonographs, records etc. are not left in classrooms.

____ Make sure spare parts such as lenses, plugs, speakers etc. are available in case equipment is sabotaged.

____ Develop a system for weekly reports to parents on student progress and attendance.

VII-B

PRE-STRIKE QUESTIONNAIRE

TO: Board of Trustees

FROM: ______________________ SCHOOL: ______________________

DATE: ______________________

SUBJECT: Emergency Staffing Report

I have personally contacted or have caused to be contacted all members of my staff. The employees have either indicated that they do not intend to work at the designated time and place prescribed by the superintendent, have stated that they are uncertain or refuse to state.

		Intention			Intention
1.			11.		
2.			12.		
3.			13.		
4.			14.		
5.			15.		
6.			16.		
7.			17.		
8.			18.		
9.			19.		
10.			20.		

____
Principal's Signature

Intention

No Work = NW
Uncertain = U
Refused to State = R

VII-C

INCIDENT REPORT

Your Name: ______________________________ School: _______

Date of Occurrence: ______________________ Time: _____ a.m. p.m.

Location of incident: ______________________________

Explain in detail what you saw. (Give names of persons involved.)

____

____

____

____

What statements did you hear and who made the statements?

____

____

____

____

Where did this occur?

____

Who else saw or heard this incident? (Name and school location/department)

____

____

____

____

Do you have any documentation which supports your report? Yes_____

(Please attach to this report.) No_____

____
Signature

VII-D

SCHOOL REPORT

DATE: ____________________ TIME: ____________________

SCHOOL: ____

Person Reporting: ______________ Position: ______________

Principal present Yes ________ No ________

All other administrators present Yes ________ No ________

Number of faculty absent ________

Number of teachers from other schools present ________

Number of substitutes provided ________

Substitutes still needed to serve students in school today ________

Head custodian present Yes ________ No ________

School secretary present Yes ________ No ________

Number of other clerical staff absent ________

Number of food service staff absent ________

Pickets: Yes ________ No ________ Approximate Number (if over 10): ________

Approximate number of students absent ________

If your school receives bus students, did all buses arrive? Yes ________ No ________

Additional information or requests for special assistance:

____

VII-E

TYPICAL DAILY FACULTY MEETING AGENDA DURING STRIKE

1. PLAN FOR THE NEXT DAY
2. ROLE OF PARENTS
3. SUBSTITUTES
4. CLASS COVERAGE SCHEDULE
5. SECURITY
6. ATTENDANCE ACCOUNTING
7. CAFETERIA
8. BUS TRANSPORTATION
9. DISTRICT STATUS REPORT
10. NEGOTIATIONS PROGRESS

Substitute Teacher's Folder

Included in an up-to-date substitute teacher's folder should be:

____ A list of all students

____ A seating chart when appropriate

____ A list of teachers and their schedules and assignments

____ A list of department chairpersons

____ A bell schedule

____ A first-aid procedures plan and location of faculty restrooms

____ A list of support personnel, such as school doctor, school nurse, office personnel and plant manager

____ A schedule for rainy days

____ A fire-drill plan with maps of school plant

____ A plan for civil-defense procedures

____ A list of special films which can be available to the local school from the instructional communictions media branch during a period of emergency

____ A library schedule

____ A log of all television programs presented by the district

ELEMENTARY CHECK-IN LIST

Welcome to: ______________________________ School

Principal: ______________________________

Assistant principal: ______________________________

Office manager: ______________________________

Clerk-typist: ______________________________

Nurse: ______________________________

You are substituting for: ______________________________

Grade: ______________________________

Room: ______________________________

Yard duty: ______________________________

Room partner: ______________________________

Recess: ______________________________

Lunch: ______________________________

Additional information: ______________________________

____

____

Your name: ______________________________

SECONDARY CHECK-IN LIST

Welcome to: ______________________________ School

Principal: ______________________________

Assistant principals: ______________________________

____

Office Personnel: ______________________________

____

____

____

Nurse: ______________________________

Counselors: ______________________________

____

____

____

Department chairperson: ______________________________

You are substituting for: ______________________________

Grade ______________________________ Period __________

Grade ______________________________ Period __________

Grade ______________________________ Period __________

Grade ______________________________ Period __________

Grade ______________________________ Period __________

Grade ______________________________ Period __________

Lunch ______________________________

Additional information: ______________________________

____

____

Your name: ______________________________

CHAPTER VIII

POST-STRIKE PROCEDURES

After all the traumatic, unpleasant experiences that everyone goes through when a strike occurs, nothing is more important, more positive in nature, more lasting in memory and more critical to the re-establishment of a professional image for education in the community than the process of rebuilding.

The world is full of negotiating experts; the literature is abundant, even burdensome, with strike procedures and methods of "how to". But little is written about and too little effort is expended on the process of school district image rebuilding. If conducted correctly and with the same energy as the process of strike management, rebuilding can prevent future strikes and can unify the entire community in search of quality education.

Just as school districts must plan for work stoppage, good school managers know that the most important plan of all may be the plan to heal the wounds and build a better school system than before.

Need to Establish the Quest for Quality

During a work stoppage the normal functions of a school system will have been neglected. So it is urgent that board of education supervision and policy development begin again; that management leadership in business and curriculum development be re-established and that educational goals of pupils be brought back into focus.

Of all of the groups affected by the strike the general public will be the most disillusioned and in need of assurance that once again educators will resume their roles as professionals.

An effective offense develops goals for winning. Thus, the after-strike rebuilding process must not simply set the goal to return the school system to its past status, but must rally the entire community to the needs of students in search of higher quality education.

The quest for renewed educational effort and the search for quality education does not begin with recriminations, punitive measures and disciplinary action against those involved in the strike.

The Board of Education's Right to Discipline Strikers

The record is clear: the law permits and the courts have upheld some types of disciplinary action against strikers and teachers' organizations.

The following have all been advocated by boards of education and administrators to discipline striking employees and their leaders:

- Suspension
- Dismissal
- Poor evaluations

Demotion
Re-assignment
Withdrawal of payroll deduction privileges
Fines
Jail sentences

In the objective light of experience, little is gained and no positive rebuilding effort results when management seeks revenge by punitive measures.

Of course, criminal action and criminal behavior cannot be tolerated; extremes must be dealt with and the law enforced in response to such behavior. However, board members and management must objectively study and assess the effects of disciplinary action in light of the quest for quality education and the re-establishment of a positive image for the educational community.

At no time in a work stoppage experience is there greater need for outside help, advice and counsel than if disciplinary action is being considered. In seeking advice, the board must look for experienced legal talent, but should not limit its consultation to the legal profession alone.

Negotiate the Process

By tradition the last item negotiated towards a strike settlement is an amnesty agreement.

Amnesty language usually seeks no reprisals against strikers. Districts seldom include but should always insist that there be no reprisals by the teachers' organization or its members against non-strikers, administrators, board members, community members and especially students.

Non-strikers are frequent targets of members who participated in the walkout, and reprisals and isolation can last for years. Every effort must be made to lessen this breach of professional and personal relationships and the amnesty clause can help prevent conflict and personal discomfort.

The request for amnesty and no reprisals by the teachers' organization should serve as the vehicle to commit both sides to a detailed process of image rebuilding and a long-range effort to prevent recurrences of the work stoppage and the re-establishment of community confidence in education.

It is the responsibility of creative management leadership to insist that it is an obligation of the union in partnership with management to rebuild the educational image. No better opportunity will exist than at the time the union demands amnesty and no reprisals as a last contract settlement item. At this final stage of negotiation, when the major issues have been settled and a positive attitude is being rekindled, is the time to commit both sides in writing, as part of the contract agreement, to a detailed plan outlining the steps that will be taken to rebuild and improve the educational structure and image.

The National Education Association and the American Federation of Teachers have publications guiding their local units towards building better relations after a strike, so management's proposal for a cooperative rebuilding effort will not be a novel issue. However, requiring such an effort as a part of the contract settlement is the natural tradeoff for an agreement with no reprisals.

The following list of suggestions could be agreed upon to facilitate the cooperative rebuilding process. The list is not all-inclusive, and the suggestions must be tempered with the climate, but amnesty is a mighty catalyst.

1. The creation of a tutorial effort to assure that the time students have missed will not be lost. This might include after-school study sessions, enriched presentations with parent-teacher cooperation and positive supervised homework assignments requiring parent-teacher feedback.

2. The establishment of a "homework telephone hot line" where teachers are available in the evenings to help students and parents with homework problems.

3. Community involvement projects establishing the teachers' contributions to the welfare of the community.

4. A deliberate, planned, visible, annual project showing that teachers and administrators are also interested in the entire community.

5. Creation of a community-wide effort (committee) to assess and plan toward a renewed goal of quality education.

6. Revitalization of the teachers' commitment to parent and teachers' study groups, activities and support of the Parent-Teachers Association. The Coleman Report states that "all things being equal, students achieve better in schools that have active Parent-Teachers Associations." The report continues that "an active Parent-Teachers Association in a local community is a tangible sign of other parent responsibility for education."

7. Creation of a publication, directed toward the entire community, reporting positive educational happenings and emphasizing the need for quality education, with stress on joint teacher-administrator partnership toward that effort.

8. Creation of a joint awareness effort for understanding of the financial condition of the school district. Emphasize the quality of the school district's money management, while at the same time educating the public to the reality of the costs and needs of quality education.

9. Opening up the budget preparation process with full disclosure as a must. Few other efforts will establish a more positive element of trust in the administration.

10. Establishment of a process of "pre-negotiation dialogue" where concepts, ideas, studies and proposals are made year round -- where objective consideration can be explored with an expanding opportunity for more teachers to provide input than takes place at the formal negotiation sessions.

11. Assessment with the help of the entire community of the events and conditions that led to the strike, with proposals aimed at preventing future work stoppages.

12. Committing the teachers' organization to, and insisting that their building representatives have, a commitment to the positive workability of the contract. Contract management is a two-way responsibility.

13. Creation of a system-wide structure to prevent conflict, lessen grievances and work towards a positive management/staff relationship.

14. Outlining a joint effort to inform the staff and all administrators of and prepare them for the new provisions of the contract, stressing an attitude of equitable solutions to problems before they become grievances.

This is only a partial attempt at a complete list. When the goal is cooperation for the students' good, the creativeness of both parties should be endless.

Enforcement of the Management Team Concept

The management team concept of shared responsibility has been slow to develop in California. However, during a strike all levels of management become an integral part of the strike management process. This shared experience, born of need, should become the vehicle for continued development of the management team and the inclusion of all managers in the total operation of the school district.

Too often the board of education and the superintendent ask for full cooperation and support of management during a work stoppage, only to revert to an autocratic management style after hostilities cease. There are numerous examples of strike settlements giving the staff increases in salaries and fringe benefits with no follow-through of equal consideration to management. Effective education systems can function only through the teamwork of boards, management and employees.

Principals' Key to Success

Reconciliation will take place first at the building level. The key facilitator to develop this process is the building principal. His or her closeness to individual staff members and concern for individual student needs will serve as the catalyst to begin this reconciliation.

Principals should not be left in a void of knowledge about the terms and conditions of the new contract. They must be given inservice training if they are to be effective.

Some things for principals to be prepared for after a strike:

1. He or she must be truly professional at all times.
    a. The principal must work with teachers' organization leadership and individual teachers to implement the new contract whenever it is ratified. He/she must also work with teachers who have little, if any, sympathy with the organization's leadership or with its agreement.
    b. The principal must work for a school atmosphere which will not be conducive to reprisals as a result of the strike.
    c. The principal must be alert to situations which might lead to grievances and try to forestall their occurrence.
    d. The principal must be alert to any situation in which the students may be subjected to brainwashing from either striking or non-striking teachers after the strike has been settled.

2. The post-strike period is probably the most challenging problem the principal will face in his or her professional career.

3. Opening remarks by striking teachers to students after the strike is over and after the formalities of roll call, Pledge of Allegiance etc., will probably refer to the strike.

4. Returning teachers will probably want a faculty meeting as soon as possible. This should be avoided because it will become a face-to-face situation between striking and non-striking teachers while emotions are still high.

5. The atmosphere will probably be charged for some period of time following the strike. There will be strained relations between teachers when they meet in the hallway, in the front office when they are getting supplies or in the lunchroom.

6. Any demonstration of gratitude such as flowers, luncheons or whatever by PTA or community groups for non-striking teachers should be avoided.

7. Principals should not discuss strike incidents or display undue friendliness or animosity towards strikers. Avoid the appearance of favoritism toward non-strikers.

8. Some school districts provide tutoring or special instructors for pupils, particularly in college preparatory classes, to make up work missed during the strike. This can be done with the money saved by not paying striking teachers during the strike.

9. Pupils will object to make-up time and to extra work. In some districts, students have felt they were being penalized because the teachers decided to strike. This can lead to walkouts by students and other disturbances.

10. Teachers who have worked every day will have varying degrees of resentment toward make-up procedures that permit teachers who have

been on strike to receive pay for services not rendered according to their regular contract.

A principal is most effective during this period if he or she:
1. Talks to everyone.
2. Stresses service to pupils.
3. Avoids the "he is a striker" syndrome.

Problems to anticipate:
1. Strikers will refuse to accept marks given pupils by substitutes for work done.
2. Strikers will refuse to accept make-up work turned in.
3. Substitutes lack supply discipline, so many supplies will be missing.
4. There will be personal antagonism between teachers.

Why Did It Happen?

Experience shows that unless the events and conditions that preceded the strike are carefully analyzed and studied, it will happen again.

Such historical examination must be a bipartisan effort involving the staff, administration, board members, teachers' organization leadership and community members investigating, not for recrimination, but in an effort to prevent a recurrence. This effort should not be taken lightly as its value is potentially very constructive.

Post Mortem

Strikes and work stoppages are the result of the failure of the collective bargaining process to work. Conflicts between personalities are inevitable. However, if healing is to take place, planned, long-term rebuilding must be agreed upon and developed.

The mission of all employees of a school system to provide high quality, uninterrupted education for students is the noble and worthwhile goal of all members of the profession. In the aftermath of a strike, a positive assessment will show that a better job can be done in the future than has been done in the past. The will to succeed in this effort is created by educators and board members with vision.

ADDENDUM

ACSA EMPLOYER/EMPLOYEE RELATIONS OFFICE

SERVICES IN THE EVENT OF A SCHOOL DISTRICT WORK STOPPAGE

Normal procedure is for a district to request the ACSA Employer/Employee Relations Office and other ACSA staff members to help with the following:

1. Pre-planning: In the event that a district's management staff foresees the possibility of a work stoppage, ACSA can help the district's staff prepare and/or review the pre-planning necessary to prevent as many problems as possible.

2. Strike plan: ACSA can help prepare and/or review or update the district's strike plan. ACSA believes that a well-conceived strike plan, besides being good administrative procedure, is the best prevention in the event a strike occurs.

3. Staff preparation: ACSA is prepared to work closely with the district's entire administrative staff in the pre-strike, during-strike and post-strike phases in an effort to assure continued operation of the schools, and to assure the support and encouragement of all administrators (who are under considerable strain and pressure during a work stoppage).

4. Analyze issues: ACSA is prepared to analyze the issues which precipitated the work stoppage. Sometimes only an outsider with considerable experience in labor relations and work stoppages can see objectively, since often the players are too close to the scene.

5. During the Strike: ACSA is prepared to come to the district and observe in order to assure that all parts of the strike plan are in place and working, and to assess whether or not there are other steps which should be taken to assure a credible school district operation during the strike.

6. Post-Strike: The re-establishment of a professional image for education in the community is critical when a work stoppage ends. ACSA is prepared to assist in this rebuilding process by working with the board of education, administrative staff, all employees, teachers' organization leadership and the community to assure the students once again of a quality education.

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